



Chisago County, MN
PLANNING COMMISSION
Meeting Agenda
September 7, 2023 | 7:00 pm

Chisago County Government Center | 313 N. Main Street | Center City, MN 55012

Tour Details: Wednesday, September 6, 2023 at 9:00 am
Departing from Chisago County Highway Department, 31325 Oasis Road, Center City, MN

*****NOTICE OF INTERACTIVE PARTICIPATION*****

Chisago County Planning Commissioner Jim McCarthy will be attending the September 7, 2023 Planning Commission meeting via interactive technology, pursuant to Minnesota Statute 13D.02 and Minnesota Department of Administration Advisory Opinions 13-009 and 18-019. Commissioner McCarthy, while participating from Home2 Suites at 210 Jay Street, La Crosse, WI 54601, will be seen and heard at the meeting via electronic means. This remote location is open and accessible to the public.

- 1. Call to Order – Pledge of Allegiance**
- 2. Roll Call: Determination of a Quorum**
- 3. Approval of Agenda**
- 4. Approval of Minutes**
 - a. August 3, 2023 Regular Meeting
 - b. August 17, 2023 Special Work Session
- 5. Receive all Materials and Submittals into Record**

Previously Distributed:

 - a. Complete meeting packet including staff reports with attachments for agenda items 6a, 6b and 6c
- 6. Public Hearings – New Applications**
 - a. **JDNH Properties, LLC and Nick Hammond** – Property owner JDNH Properties, LLC and applicant Nick Hammond are requesting an Amendment to a Conditional Use Permit (CUP) allowing a recreational campground known as Flickabirds Resort. The proposed Amendment includes an updated legal description and expansion of the use through construction of an accessory structure for storage purposes. The 23.46± acre subject site is zoned Agricultural (AG) District / Shoreland Management District and is located at 50091 Clover Trail in Nessel Township, S23, T37, R22 (PID 06.00520.22).
 - b. **Janine & Allen Schifsky** – Property owners Janine & Allen Schifsky are requesting a Conditional Use Permit (CUP) for Rural Retail Tourism in the Agricultural (AG) District. Proposed Rural Retail Tourism activities will include, but may not be limited to, mentoring / tutoring sessions, coaching services, sale of locally produced goods and agricultural products, tours and photo sessions, with activity taking place both within existing structures as well as outdoors. The 10.62± acre subject site is located at 16559 373rd Street in Amador Township, S30, T35, R19 (PID 01.00153.55).
 - c. **Kelly Hokanson** – Property owner Kelly Hokanson is requesting approval of the Preliminary Plat of Hokanson View involving the creation of one 8-acre lot from a 198.03± acre tract of land. The subject site is zoned Agricultural (AG) District and generally located approximately one-third of a mile east of Government Road / CR 57 on the north side of 460th Street in Sunrise Township, S12, T36, R21 (PID 09.00523.10).
- 7. Public Hearings – Continued Hearings**
- 8. Old Business**
- 9. New Business**
- 10. Communications and Reports**

- a. County Board Liaison Report / Update

11. Miscellaneous

12. Adjourn Meeting

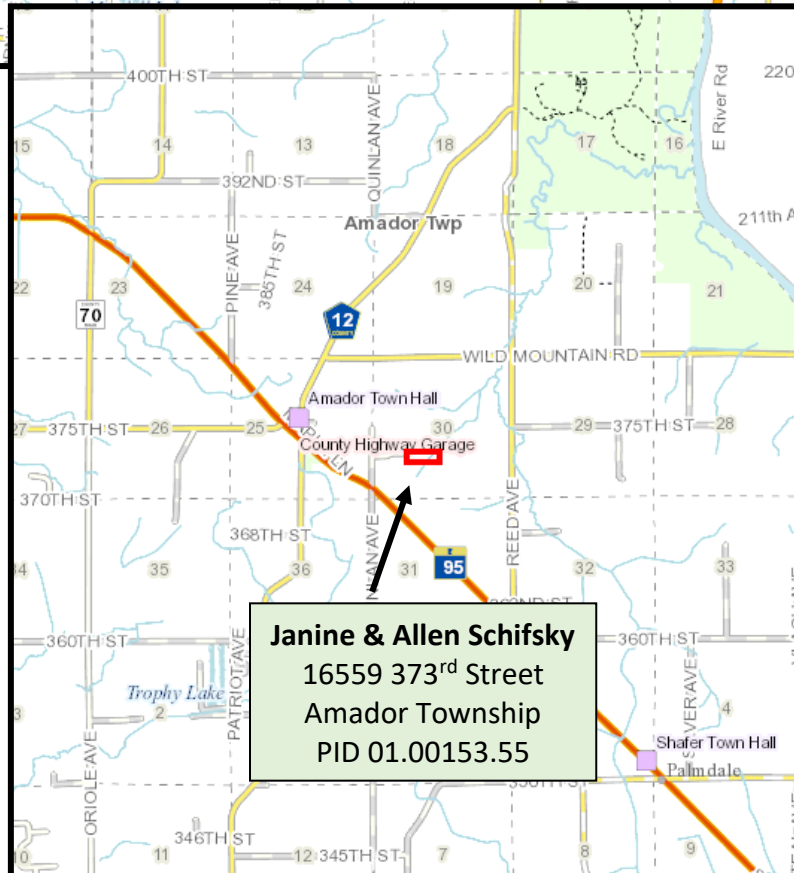
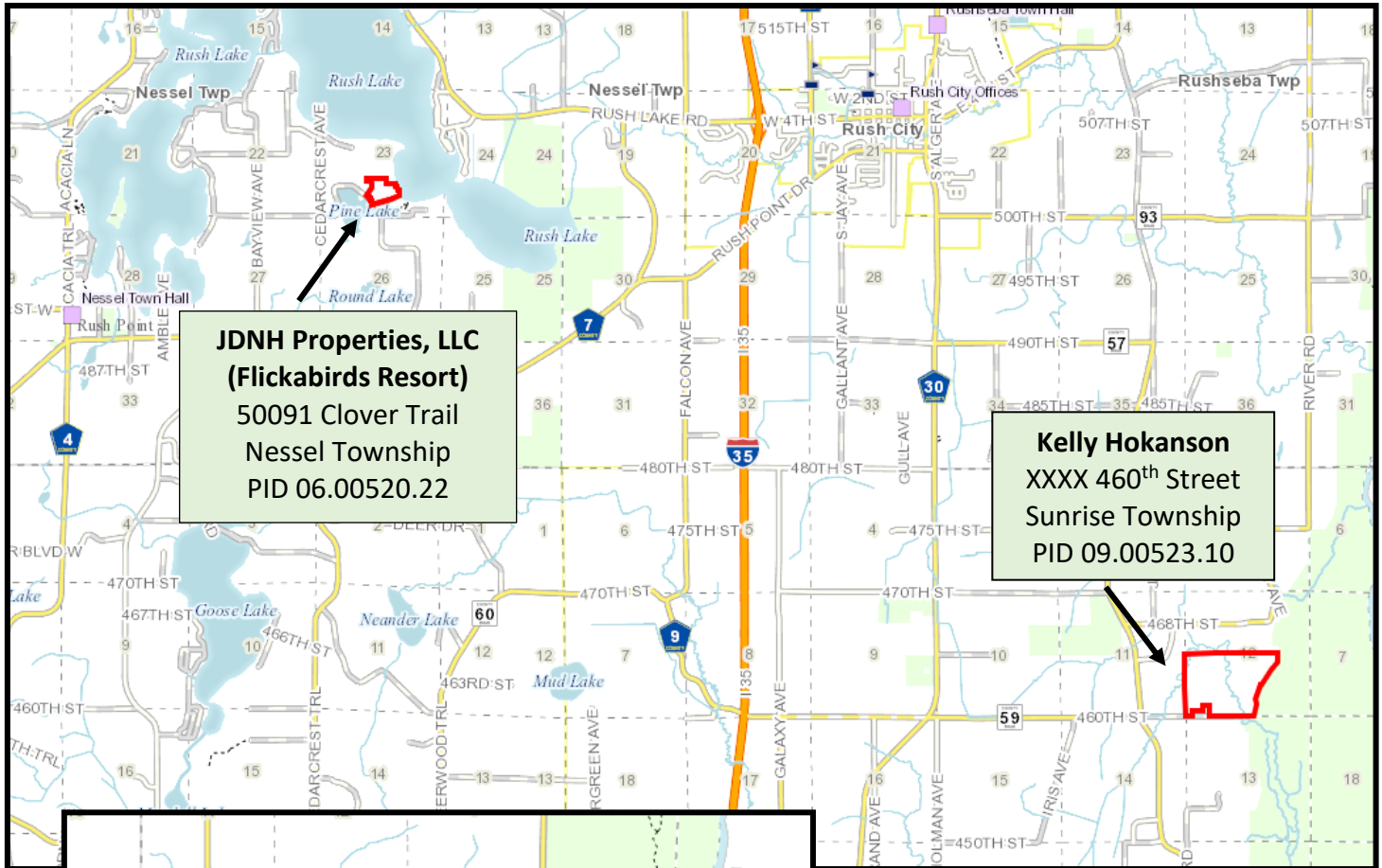
- The next special work session is scheduled for Thursday, September 21, 2023 at 6:00 pm.
- The next regular meeting is scheduled for Thursday, October 5, 2023 at 7:00 pm.

Planning Commission

Tour Date and Time:

Wednesday, September 6, 2023 at 9:00 am

Departing from Chisago County Highway Department
31325 Oasis Road, Center City, MN 55012



CHISAGO COUNTY
PLANNING COMMISSION OFFICIAL PROCEEDINGS
August 3, 2023

The Chisago County Planning Commission met in regular session at 7:00 p.m. on Thursday, August 3, 2023 at the Chisago County Government Center.

Staff Present: Beth Gervais, Land Services Coordinator; Kurt Schneider, Environmental Services Director; and, Diane Sander, Office Manager.

Chair Yeager called the meeting to order and led the assembly in the Pledge of Allegiance. A roll call of Board members was taken. Commission members present: Dave Whitney, Eric Leivian, Chip Yeager, John Sutcliffe, and Chris DuBose. Absent: James McCarthy and Jolene Wille. A quorum was established.

Approval of Agenda – Motion by Dave Whitney to approve the agenda as presented; second by Eric Leivian. **Motion passed 5-0.**

Approval of Minutes – Motion by John Sutcliffe to approve the July 6, 2023 regular meeting minutes as presented; second by Chris DuBose. **Motion passed 5-0.** Chris DuBose suggested a correction to page three of the special work session minutes; "...5:1 depth-to-width ratio or reducing the 500' dimensional standard to ~~420'~~ 400' in order to maintain the required 5:1 depth-to-[width] ratio." **Motion** by Chris DuBose to approve the July 20, 2023 special work session minutes as amended; second by Eric Leivian. **Motion passed 5-0.**

Receive all Materials and Submittals into Record - Motion by Dave Whitney to accept all materials and submittals into the record; second by Chris DuBose. **Motion passed 5-0.** Materials distributed to the Planning Commission in advance of the meeting for their review included: staff reports with attachments for agenda items 6a and 8a. Copies of all correspondence and meeting materials were made available for the public.

Public Hearings – New Applications

Make Properties, LLC and Mark & Carrie Rand – Coordinator Gervais provided a brief background on the request for approval of the Preliminary Plat of Make Properties which would create one new lot (proposed Lot 2, Block 1) and re-plat one lot (proposed Lot 1, Block 1) in order to adjust the shared property boundary. The 29.44± acre subject site was located at 1127 and 1225 Stark Road / CSAH 10 in Fish Lake Township in the Agricultural (AG) District. Both subject parcels had been previously developed. Gervais added that both proposed parcels met and exceeded the AG District dimensional standards and that the proposed plat included the necessary dedication of Right-of-Way for the upcoming Stark Road / CSAH 10 road improvement project.

The Technical Review Committee met on July 12, 2023 and no concerns were identified. The Fish Lake Town Board met on July 10, 2023 and recommended approval with no conditions. The 120-day review period was scheduled to expire on November 3, 2023. Staff recommended approval of the request with draft Findings of Fact and conditions. Applicants Keith Koecher and Marty Melby were present to address questions and concerns.

Chair Yeager opened the public hearing and sought comment. With no members of the audience wishing to speak, **motion** by John Sutcliffe to close the public hearing; second by Dave Whitney. **Motion passed 5-0.** Chair Yeager asked the Planning Commission if they had any questions or comments. **Motion** by Chris DuBose to approve Resolution No. PC2023-0801, a resolution of the Planning Commission of Chisago County, Minnesota,

recommending approval of the Preliminary Plat of Make Properties, as presented; second by Dave Whitney.
Motion passed 5-0.

Conditions:

1. The Preliminary Plat of Make Properties is approved per plat drawing dated signed June 30, 2023. Any significant deviation from the approved plat drawing, except as noted herein and as determined by the Department of Environmental Services, shall require further review by the Planning Commission and approval by the County Board.
2. The applicant shall submit request for Final Plat within one year following approval of the Preliminary Plat unless an extension of time is requested by the applicant and granted by the County Board upon recommendation of the Planning Commission.
3. The existing 10' wide drainage and utility easement lying adjacent to the westerly line of Rand Estates shall be vacated prior to the recording of the Final Plat of Make Properties.
4. The existing Chisago County Highway Right-of-Way Plat No. 62 is being replatted as Chisago County Highway Right-of-Way Plat No. 115. The Preliminary Plat of Make Properties is based on the prerecorded Plat of Chisago County Highway Right-of-Way Plat No. 115. Recording of said Right-of-Way Plat must be done prior to recording the Final Plat of Make Properties.

Public Hearings – Continued Hearings – None

Old Business

Boozhoo Coffee & Café, LLC and Joe Beaulieu - Coordinator Gervais provided a brief background and update on the request for approval of a Conditional Use Permit (CUP) allowing a Drive-Through Business and an Accessory Residential Unit on property located at 2340 Stark Road / CSAH 10 in Fish Lake Township. Gervais reminded the Commission that it had conducted the requisite public hearing on June 1, 2023 and subsequently continued the public hearing to July 6, 2023, extended the review period by an additional 60 days, and instructed the applicant to provide specific updated materials for further review and consideration at the Commission's July 6, 2023 meeting. At the July 6, 2023 meeting, the Commission closed the public hearing and tabled consideration of the CUP at the applicant's request.

Gervais shared that staff received an updated written narrative and updated site renderings from the applicant on July 25, 2023; however, the applicant did not provide all of the required information, including:

- In-place topography, existing conditions, removals, wetlands, Right-of-Way boundaries, and elevations
- Engineered grading, drainage and erosion control plan
- Site sediment control plan
- Written confirmation that the Chisago County Highway Department has reviewed and approved the parking plan and surfacing material(s)
- Parking lot marking plan showing all proposed signage and markings to control traffic entering and leaving the subject site
- An illustrated landscaping plan
- Wetland delineation

Gervais noted that while the updated narrative described some of the above listed items, the applicant was instructed to provide plans illustrating these items. The primary reason for the required plans was to ensure that all parties had a shared understanding of the proposal and so that staff and County officials were able to conduct a thorough analysis of the proposal.

Gervais reviewed details of the updated written narrative and site renderings for the Commission, noting that staff had identified several concerns, including:

- The site renderings showed a 12' wide drive-through lane whereas the written narrative described it as being 10' wide.
- The site renderings and written narrative still included use of an intercom system. Further, the applicant inaccurately addressed the required setbacks in his written narrative. As previously explained to the Commission, it would be impossible for the proposed intercom system to meet all required setbacks nor could the Commission allow an intercom system which did not meet the required setbacks.
- The site renderings showed employee parking immediately in front of the garbage area. Staff suggested that the area immediately in front of the garbage area be designated as a no-parking area to allow garbage and recycling haulers immediate and unobstructed access.
- The site renderings showed two residential parking spaces located on the east side of the building. Staff noted the following concerns with this parking area:
 - The southern end of the parking area access was shown as being approximately 6' on the subject site and approximately 6' on the neighboring property. While the applicant had explained that he was "currently purchasing this [neighboring] property on contract for deed...", this property was currently fee owned by another party and, further, the neighboring property was not included in the request for CUP.
 - The parking area included two parking spaces with a combined width of 17'. While the Zoning Ordinance did not provide specifications for parking stalls, staff cautioned that this design was extremely narrow and would be challenging for larger vehicles.
 - Based on the parking area dimensions and design, it appeared that vehicles would not be able to turn around within the parking area and would be required to back out directly onto Stark Road / CSAH 10. Backing out onto Stark Road / CSAH 10 raised questions about traffic safety.
- The written narrative described that the applicant still intended to use Reclaimed Asphalt Pavement (RAP) for parking lot surfacing purposes. Staff noted that the Highway Department identified this as a concern during its initial review prior to the June 1, 2023 Planning Commission meeting.
- The written narrative stated that the applicant was currently purchasing [the neighboring] property on contract for deed, and as things progressed and developed, he intended on unifying this property with the current business lot. Staff noted that this property (located immediately east of the subject site) was currently fee owned by another party and that this property was not included in the request for CUP. If the applicant intended to utilize this neighboring property for purposes of this CUP request (assuming the CUP is approved), the applicant would be required to Amend the CUP to include both properties / legal descriptions.

Gervais explained that the extended review period was scheduled to expire on August 31, 2023, which meant that the Commission needed to take action at the August 3, 2023 meeting. Gervais reviewed the Commission's options and shared that staff had provided two resolutions for the Commission's consideration, with one resolution supporting denial of the CUP for Drive-Through Business and approving the CUP for Accessory Residential Unit and one resolution supporting approval of both proposed uses.

Chair Yeager asked the Planning Commission if they had any questions or comments. Chris DuBose indicated had no concerns with the proposed residential unit but had concerns with the proposed drive-through. DuBose listed his concerns which included: the parking appeared to be too tight for the site along with the entry and exit being side by side, the use of RAP instead of blacktop, the lack of any landscaping / a landscaping plan, and the proposed use of an intercom system. Chair Yeager expressed concern that entrance

to the parking lot was on the west and the exit was on the east (opposite of standard configuration) making turning movements counter intuitive. Yeager added that if the entry and exit were marked on the parking lot surface, the markings would most likely be covered during the winter months. Dave Whitney asked if the applicant was interested in waiving the review period in order to continue working on his proposal. Applicant Joe Beaulieu indicated he would be willing to waive the review period since the parking lot was complex and he could address his clerical errors between the narrative and site renderings. Chair Yeager indicated that there were more concerns than just the parking lot that needed to be addressed. Mr. Beaulieu discussed his assumption of property boundaries for the parking lot (in relation to the proposed residential parking) and reviewed his concept for landscaping and adjustments to the low elevations on the property along with his intent to purchase the neighboring property to accommodate the parking lot. Mr. Beaulieu inquired if the residential unit could be approved allowing him to move forward with that component of the CUP, while the drive-through business component would be on hold while he continued to address the Commission's concerns. Director Schneider suggested that it would be unusual for the County to approve part of a CUP request and table the other part, but it could be an option explored with legal counsel. Clarification and discussion were held on the use of the adjacent property for the parking lot and the property not being included in the CUP request. The Commission and staff discussed the need to Amend the CUP, if approved, if a second property were to be incorporated. Gervais expanded on the Amendment process, explaining that it would require a new public hearing, public hearing notice and property owner notification, and review process. The Commission and staff then discussed whether or not there would be a mandatory wait time between applications, with Gervais explaining that adding a second parcel would be a significant change and the applicant would likely not be required to wait for reapplication. John Sutcliffe indicated he supported the CUP for Accessory Residential Unit and suggested that the applicant reapply for the Drive-Through Business CUP once the property boundary issue was complete.

Motion by Chris DuBose to approve a resolution of the Planning Commission of Chisago County, Minnesota, recommending approval of a Conditional Use Permit allowing an Accessory Residential Unit on property located at 2340 Stark Road / CSAH 10 in Fish Lake Township, with Findings of Fact and conditions as presented; second by Dave Whitney. **Motion passed** 5-0.

Conditions:

1. This Conditional Use Permit approves the proposed Accessory Residential Unit in the Second Story and denies the proposed Drive-Through Business. The Accessory Residential Unit and general site shall be developed and used in accordance with the application materials dated received July 25, 2023 and kept on file with the Department of Environmental Services, except as specifically noted herein, and in accordance with the conditions contained herein. Any significant deviation or expansion, as determined by Chisago County Department of Environmental Services staff, shall require further review by the Planning Commission and approval by the County Board of Commissioners.
2. There shall be only one Accessory Residential Unit allowed within the principal structure and it shall be located in the second story. Said residential unit shall be open and accessible throughout by all occupants and shall not be walled off or divided into two or more separate living spaces or addresses in the future.
3. The parking area labeled "Residential Parking" on the site renderings shall be eliminated due to its encroachment on the neighboring property and its impact on traffic safety (i.e., design requiring that vehicles back out directly onto Stark Road / CSAH 10). Dedicated residential parking shall be accommodated elsewhere on the subject site.
4. The permit holder shall accommodate all parking on-site and no resident parking shall be allowed on Stark Road / CSAH 10 or Cedarcrest Trail / CSAH 8.

5. Exterior lighting shall be downcast and shall be designed and installed so as to limit light visible from and limit interference with adjacent public Rights-of-Way.
6. Proposed sidewalk lights shown on the site renderings to be located adjacent to the southern property boundary shall be located entirely on the subject property and no portion of the lights shall be located within public Right-of-Way.
7. The Accessory Residential Unit shall not be occupied until such time that a Certificate of Occupancy has been issued. A Certificate of Occupancy will not be granted until such time that an approved septic system has been installed.
8. During construction of the principal structure and parking lot, the permit holder shall install silt fencing at the toe of the slope to prevent debris from entering the wetland.
9. Signage shall be permitted and installed in accordance with Chisago County Zoning Ordinance Section 4.14. A building permit shall be obtained prior to installation of the free standing sign shown to be located in the southwest corner of the subject site.
10. The property and the uses thereon are subject to all applicable local and State codes, including Zoning, Building and Septic Codes.
11. The property owner shall apply for and obtain a Construction Stormwater Permit from the Minnesota Pollution Control Agency (MPCA), if deemed necessary by the MPCA.
12. The property shall be made open and available for regular inspection at any time during reasonable hours by the Chisago County Department of Environmental Services and/or any duly authorized law enforcement agency.
13. Annual certification of the Conditional Use Permit is required. The permit holder shall notify the County annually that the activity permitted by the Conditional Use Permit is ongoing and the activities being conducted continue to adhere to the conditions of approval. Failure to maintain certification may be a basis to revoke the Conditional Use Permit. The property shall be made open and available for regular inspection at any time during reasonable hours by the Chisago County Department of Environmental Services and/or any duly authorized law enforcement agency.

Motion by Chris DuBose to approve a resolution of the Planning Commission of Chisago County, Minnesota, recommending denial of a Conditional Use Permit allowing a Drive-Through Business on property located at 2340 Stark Road / CSAH 10 in Fish Lake Township, with the understanding that the applicant could resubmit a request for CUP at a later date, with Findings of Fact as presented; second by John Sutcliffe. **Motion passed 4-1**, with Dave Whitney voting against. Director Schneider clarified that the recommendation of denial would not prohibit the proposed coffee shop but, rather, the components of the proposed drive-through.

Mr. Beaulieu expressed confusion and asked for clarification on the denial. Mr. Beaulieu indicated he had worked with the County Highway Department on the parking lot design. Schneider summarized the Planning Commission's discussion and motions relating to the proposed uses. Schneider added that the updated written narrative and site renderings were substantially better than the original documents but that the applicant still had not provided all required elements. Mr. Beaulieu responded that his site renderings and written narrative provided all of the requested information, adding that he had seen worse parking lot entry/exit situations than what he was proposing and he expressed concern with the timeline for resubmittal.

New Business – None

Communications and Reports – None.

Miscellaneous – None

Adjourn Meeting – **Motion** by Eric Leivian to adjourn the meeting; second by John Sutcliffe. **Motion passed** 5-0.
The meeting was adjourned at 8:02 p.m.

Chip Yeager
Chair

ATTEST:

Beth Gervais
Land Services Coordinator

**CHISAGO COUNTY
PLANNING COMMISSION
Special Work Session
August 17, 2023**

The Chisago County Planning Commission met for a special work session at 6:00 pm on Thursday, August 17, 2023 at the Chisago County Government Center.

Chair Yeager called the special work session to order. Commissioners Present: Chris DuBose (Remote), Eric Leivian, Jim McCarthy, John Sutcliffe, Dave Whitney (Remote), Jolene Wille and Chip Yeager. Commissioners Absent: None.

Staff Present: Kurt Schneider, Environmental Services Director, and Beth Gervais, Land Services Coordinator.

Others Present: Haila Maze of Bolton & Menk.

Shoreland Management Ordinance Discussion

A. **Open Space Requirements** – Maze shared that the DNR's model ordinance required that portions of the Shore Impact Zone (SIZ) within Planned Unit Developments (PUDs) be preserved as open space, with the amount being 50% of the SIZ in existing residential PUDs and 70% in new residential PUDs. Maze also reviewed types of land which qualified or did not qualify as open space. DuBose recollected that the Work Group had discussed reducing the amount of open space required; Maze responded that the County could propose a reduction but it would need to be approved by the DNR. The group briefly discussed the possibility of reducing the requirement to 30% to match the requirement of standard non-Shoreland Management District PUDs. Whitney noted that the ordinance also required 5% for park preservation and felt that the 5% should be part of the 50% / 30% open space dedication. Whitney sought and Schneider provided clarification on the meaning of SIZ and application of SIZ regulations.

B. **DNR Review Process and Flexibility** – Maze explained that the DNR would need to review the County's draft ordinance prior to adoption and may allow for some variation from the model ordinance. Schneider spoke about the DNR's involvement in land use proposals and zoning approvals. Maze acknowledged that the draft ordinance contained a significant number of changes and explained that the changes were taken directly from the DNR's model ordinance.

Yeager inquired about language pertaining to non-conformities, noting that the draft language was significantly different than the County's existing language, and he questioned the motivation behind the change. Maze again explained that the draft ordinance was based on the DNR's model ordinance and suggested that the Work Group could propose retaining certain language if the group felt it to be prudent. The group briefly discussed the existing provision for allowing deck additions on non-conforming structures without the need for Variance, suggesting that it may be good language to retain. Gervais added that, if retaining the deck language, it may be helpful to update the language to allow composite decks rather than strictly requiring wood decks. The group did not reach a consensus on whether or not to retain the deck provision.

C. **Relationship to County Standards** – Maze spoke about the relationship between shoreland regulations and regulations of the underlying zoning district or other overlay district, noting that the

most stringent regulations applied. Schneider suggested, for ease of interpretation and use, adding references within the ordinance to provide guidance on the relationship to other County standards.

Whitney noted that the list of Natural Environment lakes did not include Lendt Lake and requested that it be added. DuBose also noted that the DNR had updated its lake ID numbering system to an 8-digit system and the ordinance should reflect this change.

Zoning Ordinance Discussion

- A. Home Occupations Revisited – Maze reviewed the Work Group’s previous discussion on Home Occupations and performance standards related to building size, parking, etc. Whitney commented on the difference between minimum lot sizes and setbacks for Home Occupations and Rural Retail Tourism, suggesting that the difference may have been too extreme. The Work Group had a lengthy conversation about minimum dimensional requirements for the two uses. Noting that the draft language stated that the County reserved the right to increase or decrease the minimum lot area required for Major Home Occupations, the group reached a consensus that this language would be difficult to apply and that it should be eliminated. Work Group members debated whether the minimum lot size for Major Home Occupations should be five acres or 10 acres, with final consensus being five acres. Maze provided draft performance standards related to such issues as screening, parking and traffic for discussion. DuBose questioned language pertaining to “street type”, noting the importance of knowing the road classification (township, County, State Highway, etc.) and surface material in order to thoroughly analyze potential impacts. Chair Yeager noted that Minor Home Occupations were proposed to be allowed within detached accessory structures up to 1,200 sf in size and Major Home Occupations were allowed in detached accessory structures which were over 1,200 sf and that this left a small gap for structures which were exactly 1,200 sf. Maze commented that she would address this gap.
- B. Rural Retail Tourism Revisited – Maze noted that she had inserted performance standards based on the Work Group’s July 20, 2023 discussion and sought feedback. Various members acknowledged the establishment of a minimum lot size (20 acres) and offered their support. After a brief discussion, the Work Group reached consensus that the language pertaining to the County reserving the right to increase or decrease the minimum lot area should be eliminated as it would be challenging to administer.
- C. Transfer Development Credits – McCarthy reintroduced the topic of using Transfer Development Credits (TDCs) within the school district of origin rather than the township of origin. For reference, the Work Group had previously reached consensus that the use of TDCs should be limited to the township of origin, and McCarthy shared that he believed this to be too limiting for landowners and developers. Greene shared his concern that townships would lose tax capacity if TDCs were allowed to be used outside of the township of origin; Wille concurred. Whitney shared historical perspective on the use of TDCs within the same school district, explaining that the school districts were concerned in the past with potential loss of students. Whitney added that he was in favor of keeping TDCs within the township. At the conclusion of the discussion, the Work Group maintained its desire to restrict the use of TDCs to the township where the credits were originated and previously issued credits would be allowed to be used within the school district where the credits were originated.
- D. Electrical Power Storage Facilities – McCarthy mentioned that electrical power storage facilities were being constructed in other areas of the state and he suggested that the County include / identify this use in the updated Zoning Ordinance. The Work Group discussed including this use as a Conditional Use within the Agricultural (AG) District. Maze commented that she would research this particular use and provide draft language for future review and consideration.

- E. Campgrounds – McCarthy questioned whether seasonal / long-term campgrounds should be treated similar to manufactured home parks in terms of design standards. The Work Group discussed seasonal campgrounds and likened them to seasonal manufactured home parks. The Work Group did not reach any consensus on the issue of campgrounds but acknowledged that they would be visiting a larger campground (Flickabirds Resort) as part of the Planning Commission’s scheduled September 6, 2023 tour and would intentionally view the site with this conversation in mind for future discussion.
- F. File Management – McCarthy suggested developing an electronic repository of land use files which would be accessible by County officials as well as the public. Schneider shared that the Environmental Services Department was in the process of building and transitioning to an on-line permitting software platform and some records may become more accessible.
- G. Electric Vehicle Charging Stations – McCarthy suggested including electric vehicle charging stations as an allowable use within certain zoning districts. The Work Group briefly discussed likely locations for charging stations, such as parks, trails, retail operations, and gas stations. The group discussed the possibility of allowing a certain number of charging stations by right (up to four) and perhaps more charging stations would only be allowed within specific zoning districts, such as the RVC District and/or CLI District, similar to commercial / retail operations or gas stations. Maze indicated that she would explore appropriate locations within the Zoning Ordinance to address charging stations.
- H. Frack Sand Restrictions – McCarthy suggested that transfer and storage operations should be addressed. Schneider suggested including the Code Enforcement Officer in the discussion to see how this use had been permitted and enforced in the past.
- I. Solar Vegetation Management – The Work Group discussed developing standard landscaping / screening requirements for solar projects. McCarthy explained that he had heard complaints from other individuals about on-going maintenance of vegetative landscaping, including weed control. The group acknowledged that vegetative screening was and should be required for commercial solar projects but there was no interest in requiring that weeds be controlled.
- J. Rural Village Center (RVC) District – Leivian inquired about the status of coordinating with applicable townships on RVC District boundaries and allowable uses. Schneider shared that the Department had not yet sent information to the townships but would do so in the near term, acknowledging that the townships may need a couple of months / meetings for discussion. Leivian also mentioned that campgrounds were listed as an allowable use in the RVC District and questioned if the Work Group supported this particular use in a commercial district. The group did not discuss this question at length but suggested that it would be good to solicit feedback from the applicable townships. Maze questioned if multi-family structures – such as duplexes and townhomes – should be allowed in the RVC District. The Work Group discussed lot size and septic system needs for multi-family structures, with consensus being that duplexes and townhomes should be allowed as a Permitted Use so long as the structures complied with all required setbacks and the sites could support the necessary septic system(s).
- K. Accessory Structures – Whitney questioned the existing requirement that the second floor of accessory structures be unfinished and recollected that the Work Group had discussed changing this to allow finished habitable space. After discussing the issue, the group reached consensus that Section 4.08, E. should be eliminated entirely. Whitney then commented that Section 4.08, F. and G. may contradict each other. Gervais explained her interpretation of the two subsections, commenting that they worked together but could perhaps be combined to be made more

understandable. Whitney then questioned the ability of having living quarters within horse barns. Maze and others responded that living quarters would now be addressed as ADUs.

Subdivision Ordinance Discussion

- A. Park Land Dedication – Whitney questioned the proposed language pertaining to park dedication fees which read that the cash contribution amount would be “based upon the County staff’s discretion” based on market value, asking if the market value used in determining a cash contribution was the value prior to development or the value after development. The Work Group discussed that the County had been using an established park dedication fee of \$1,600 per lot rather than basing the fee on market value. Gervais and group members recollected that the group had previously discussed changing the ordinance language to reference the County’s adopted Fee Schedule on a per lot basis rather than basing the fee on market value. Ultimately, it was suggested that Maze look for examples of similar language from other jurisdictions to model. Staff added that platted lots with existing dwellings were not subject to park dedication fees and this should be included in the newly drafted ordinance language.

Timeline for Review

Maze sought feedback on how many more meetings were desired prior to formal adoption of the updated ordinances. In response, Schneider requested that Maze map out a manageable timeline from the current point through public hearing proceedings. McCarthy noted that the County would need to allow time for the townships to offer feedback on the RVC District. The Work Group discussed possible approaches for the formal review process. McCarthy suggested that developing a brief summary of proposed changes, including the larger policy changes, would be beneficial for the County Board; Schneider added that it would be most helpful if Bolton & Menk prepared this summary. It was also suggested that the summary include illustrations to better explain certain topics. Maze inquired at what point the DNR should become involved in review of the draft Shoreland Management Ordinance. Schneider encouraged DNR involvement as early as possible and prior to the County Board’s formal review in case the DNR recommended / required significant changes. Gervais commented that the DNR may have a prescribed process for review and adoption of the Shoreland Management Ordinance available on its website.

Whitney and others thanked Maze for her efforts on the ordinance update project.

With no further business to discuss, the work session adjourned at 8:27 pm.

Chip Yeager
Chair

ATTEST: _____
Beth Gervais
Land Services Coordinator



Staff Report

TO: Planning Commission
 FROM: Beth Gervais, Land Services Coordinator
 SUBJECT: Amendment to a Conditional Use Permit Allowing a Commercial Recreation Area Use
 50091 Clover Trail, Nessel Township
 DATE: September 7, 2023

ACTION TO CONSIDER

The Planning Commission will conduct a public hearing to consider an Amendment to a Conditional Use Permit (CUP) allowing the expansion of an existing Commercial Recreation Area use known as Flickabirds Resort. The proposed Amendment is twofold: the property owner wishes to expand the current operation through construction of an accessory structure intended for storage purposes; and, the property owner wishes to modify the legal description to include recently acquired land.

SITE & APPLICATION INFORMATION

Applicant(s):	Nick Hammond
Property Owner(s):	JDNH Properties, LLC
Location:	50091 Clover Trail Nessel Township Section 23, Township 37, Range 22
PIDs:	06.00520.22
Property Area:	23.46± Acres
Current Zoning:	Agricultural (AG) District / Shoreland Management District
Adjacent Zoning:	
North:	Agricultural (AG) District / Shoreland Management District
South:	Agricultural (AG) District / Shoreland Management District
East:	East Rush Lake
West:	Agricultural (AG) District / Shoreland Management District
Date Application Received:	July 7, 2023
Date Application Complete:	August 3, 2023
60-Day Review Period:	October 2, 2023

BACKGROUND

Property owner JDNH Properties, LLC and applicant Nick Hammond have applied for a Conditional Use Permit (CUP) Amendment in order to expand operations at Flickabirds Resort. The proposed expansion is twofold: the property owner wishes to expand the current operation through construction of an accessory structure intended for storage purposes; and, the property owner wishes to modify the legal description to include recently acquired land. The recently acquired land is



approximately .40 acres in size and located in the extreme northwest corner of the subject site and that same land is the location of the proposed accessory structure (land shown circled in the image above).

The following table offers a brief history of the CUP and subsequent Amendments:

Date	Action
May 5, 2005 and August 4, 2005 (Original CUP)	Planning Commission conducted public hearing to consider CUP to operate a Recreational Campground with 30 permanent sites and an on-premise bar and restaurant and recommended approval with conditions.
August 17, 2005 (Original CUP)	County Board Approved CUP to operate a Recreational Campground with 30 permanent sites and an on-premise bar and restaurant with 16 conditions (as recommended by the Planning Commission): 1. Wastewater Treatment System must meet County and State Rules. 2. Reserved wastewater treatment site must be fenced off to prevent disturbance of area by traffic and/or other campground activities. 3. Well(s) must meet Minnesota Department of Health Standards. 4. Must obtain and maintain a valid recreational camping area, food and beverage license from Minnesota Department of Health. 5. Road construction into and throughout camping ground must meet approval of County and/or Township Engineer. 6. NPDES and SWPP permits must be obtained from Minnesota Pollution Control Agency with plans also submitted and reviewed by SWCD. 7. Impervious surface coverage in each tier must not exceed 25%. 8. Adequate parking spaces must be provided to accommodate all business at the site and must be maintained in a nuisance free manner. 9. The pond shown between the restaurant and the shoreline is actually in the shore impact zone, therefore, this pond must be redesigned so as to have minimal effect in the shore impact zone (i.e., narrower and longer in design) and adequate erosion control must be in place prior to any construction of the pond. 10. Dust control on township road leading up to entrance of campground must be done as needed as determined by the zoning administrator or appointed designee. 11. Bar and restaurant must be discontinued if the recreational camping area is discontinued unless zoning regulations have changed to allow a bar/restaurant as a stand-alone primary use. 12. Docks and boat ramps must meet Minnesota Department of Natural Resources standards. 13. Notification must be made to Chisago County Environmental Services if any changes to the proposed docking and/or boat ramp are made. 14. Any expansion to camping sites, and/or bar and restaurant will require an amended Conditional Use Permit. 15. Site must be available for inspection by County staff during operating hours. 16. Campground rules must be posted on site.

July 5, 2007 (CUP Amendment #1)	Planning Commission conducted public hearing to consider CUP Amendment to expand operation by adding 20 additional campsites (for a total of 50 campsites) and recommended approval with the addition of two conditions.
July 11, 2007 (CUP Amendment #1)	County Board Approved CUP Amendment to expand a Recreational Campground by adding 20 additional campsites (for a total of 50 campsites) with two conditions (as recommended by the Planning Commission): 1. Flickabirds may expand their campground by 20 more sites to a total of 50. 2. Flickabirds may hold outdoor events such as live music and fireworks provided that all required County approvals are obtained.
May 6, 2010 (CUP Amendment #2)	Planning Commission conducted public hearing to consider CUP Amendment to allow a camp store with bait sales and recommended approval with the addition of five conditions.
May 19, 2010 (CUP Amendment #2)	County Board Approved CUP Amendment to allow a camp store with bait sales with the addition of five conditions (as recommended by the Planning Commission): 1. This CUP amendment allows conversion of one half of the recently added storage space (14' x 28' feet) to serve as a small camp store offering basic groceries, sundries, and live bait for sale to the campers in residence. 2. This small retail expansion must be subordinate and accessory to the campground and will not be considered a principal conditional use in its own right. 3. If the campground ceases operation through voluntary withdrawal, revocation, or other legal means, the camp store must also cease to operate, as it is clearly incidental to the principal use of the campground and is otherwise not an allowed use in the Zoning District. 4. The camp store cannot be advertised to the general public as a retail store. 5. Other than within the campground itself, no advertising signage will be permitted for this retail use.
September 8, 2011 (CUP Amendment #3)	Planning Commission conducted public hearing to consider CUP Amendment to expand operation by adding 15 additional campsites (for a total of 65 campsites) and recommended approval with the addition of one condition and the suggestion that the property owner offer a goodwill gesture on the matter of dust control.
September 21, 2011 (CUP Amendment #3)	County Board Approved CUP Amendment to expand a Recreational Campground by adding 15 additional campsites (for a total of 65 campsites) with one condition and one suggestion (as recommended by the Planning Commission): 1. The septic system must be evaluated for capacity and performance and found to be in compliance.

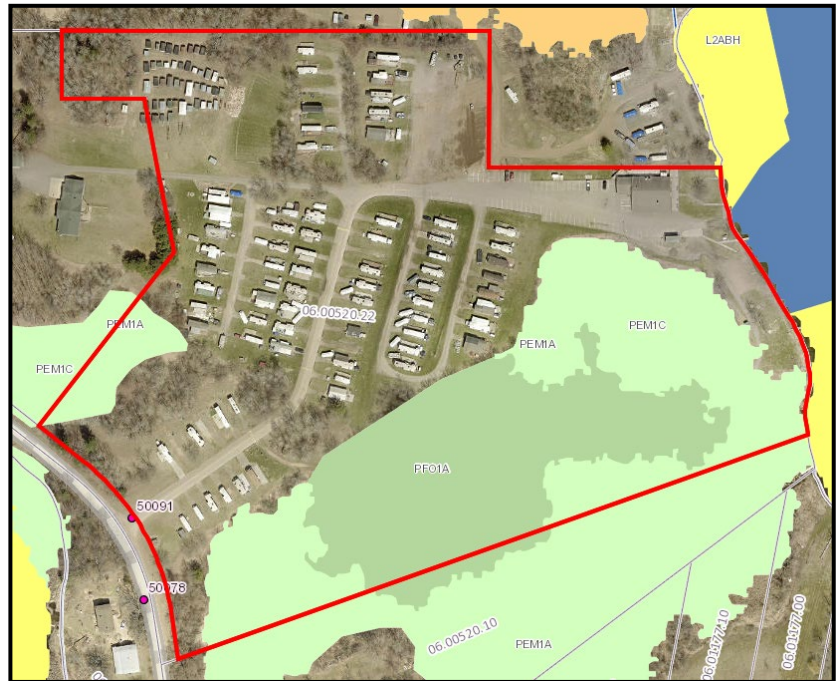
	**It is suggested, but not required that the Mells offer a “goodwill gesture” on the matter of dust control.
September 7, 2017 (CUP Amendment #4)	Planning Commission conducted public hearing to consider CUP Amendment to expand operation by adding 12 additional campsites (for a total of 77 campsites) and recommended approval with the addition of three conditions.
September 20, 2017 (CUP Amendment #4)	County Board Approved CUP Amendment to expand a Recreational Campground by adding 12 additional campsites (for a total of 77 campsites) with the addition of three conditions (as recommended by the Planning Commission): 1. The permittee shall submit required annual monitoring reports on the main septic system in order to maintain the compliant status of the system and the RV park. 2. The permittee shall submit completed engineering on the recalculated retention pond prior to beginning construction on the new sites. 3. The permittee shall ensure that all RVs housed and stored in the park remain licensed as recreational vehicles and are transportable; park model cottages shall be prohibited.
September 7, 2023 (CUP Amendment #5)	Planning Commission conducts public hearing to consider CUP Amendment to expand operation by allowing construction of an accessory structure for storage purposes and modification of the legal description to include recently acquired land.

CONSIDERATION OF CUP AMENDMENTS

In the past the County has processed requests for CUP Amendments in the same manner as requests for new CUPs, meaning the Planning Commission and County Board have considered all previously approved conditions and, in certain cases, amended conditions which the applicant(s) may not have specifically requested an Amendment to or, in certain cases, added new / eliminated previously approved conditions which the applicant(s) may not have specifically requested be added / eliminated. However, the County was advised in 2022 that, when considering an Amendment to a Conditional Use Permit, the County may not add conditions that have no relationship to the sought after Amendment. In other words, the Amendment process is not allowed to be used for adding conditions that the County, in hindsight, wishes it had imposed when the original Conditional Use Permit was granted.

Approval of the requested Amendment will allow expansion of the current operation through construction of an accessory structure intended for storage purposes and modification of the legal description to include recently acquired land. Denial of the requested Amendment will not result in automatic revocation of the existing CUP or otherwise render it null and void; it will simply leave the existing CUP in effect as-is. Alternatively, if the Planning Commission feels that the subject site no longer supports the scope and scale of the approved CUP or the Commission finds other probable cause, the Commission may wish to consider recommending that the County Board consider initiating formal review and revocation proceedings of the CUP.

The 23.46± acre subject site is generally located on the west side of East Rush Lake between Clover Trail and the lake. The site is also directly across the road from Pine Lake. The site is also directly across the road from Pine Lake. The subject site has been developed with a campground, an associated bar and restaurant, a small bait store, and related recreational activity areas, such as a horseshoe pitch, beach area, docks for the campers' boats and docks available for public mooring for access to the bar and restaurant. Topography of the site includes a large wetland area located along nearly the entire length of the southerly property boundary as well as a smaller wetland area located along the westerly property boundary (see wetland areas in the adjacent image). Additionally, the site is heavily wooded on its perimeter. The subject site is located in the Agricultural (AG) District / Shoreland Management District as are all surrounding properties to the north, west and south.



PROPOSAL ANALYSIS

The second part of the proposed Amendment relates to an expansion of the property itself. As previously stated, the property owner recently acquired approximately .40 acres of land from Scott & Deborah Mell (property owners immediately west of the subject site). The acquired land is located in the extreme northwest corner and is the proposed location of the new accessory structure. The property owner has provided the updated legal description and wishes to have the CUP Amended to include the new description.

5

FINDINGS OF FACT

Zoning Ordinance Section 8.04 (Conditional Use Permits) C. states that the Planning Commission shall consider possible effects of the proposed conditional use based upon, but not limited to, the general factors listed below.

Factor #1 The [proposed action is consistent with the] Comprehensive Plan and development policies of the County;

Finding #1 *The Chisago County Comprehensive Plan outlines a number of goals and policies which are meant to support and encourage the type of activity which will draw visitors to Chisago County, including different types of outdoor recreation. Among those identified goals and policies are the following:*

Natural Resources Goal: Prime scenic views and historic landscapes will be recognized as an important local amenity and an increasingly desirable local amenity drawing outside revenue from visitors that is vital to the local economy.

Policies:

- 1. Identify and protect quality of visitor experience of prime scenic features, areas of exceptional rural ambience, important historic sites and their surrounding settings, and prime areas for flora study and wildlife viewing, and public and private open spaces amenable to low impact outdoors recreation.*

Economic Development Goal: Provide for a range of economic diversity and development opportunities in the County.

Policies:

- 1. Promote natural amenities in the County as assets to economic development and business opportunity.*
- 2. Promote tourism as an expanding opportunity for employment and tax base.*
- 3. Promote tourism and commercial recreation as expanding opportunities for employment and tax base.*

Factor #2 The proposed use will not create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area;

Finding #2 *The subject site is a tourist / entertainment destination, drawing visitors to the site for commercial recreation activities such as camping and dining. The proposed use / Amendment – including an accessory structure and modified legal description – will not in itself generate any additional visitors. Therefore, the County finds that the proposed use / Amendment will not generate any increased demand upon existing parks or other public facilities or amenities.*

Factors #3 and #4 The proposed use will be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development does not suffer undue negative impact and there will be no significant deterrence to future development; The proposed use and site will have an appearance that will not have an adverse effect upon adjacent properties;

Findings #3 *The proposed use is an expansion of an existing outdoor Commercial Recreation Area*

<i>and #4</i>	<i>use through construction of an accessory structure intended for storage purposes and a modification of the legal description. The proposed structure is shown to be located in an area adjacent to two neighboring properties, one being used for residential and commercial purposes and one being used for residential purposes. The site of the proposed structure is heavily wooded as are the adjacent areas on the two neighboring properties. Further, the applicant has provided a rendering and a materials list which show that the proposed structure will have an appearance consistent with pole buildings generally found in the County's Agricultural (AG) District and consistent with pole buildings / structures found on the two neighboring properties. Therefore, the County finds that the proposed structure will be adequately screened from adjacent development and will have an appearance which is in keeping with the AG District and surrounding area. The County further finds that the proposed legal description modification will have no impact upon adjacent properties.</i>
Factors #5 and #6	The proposed use, in the opinion of the County, is reasonably related to the overall land use goals of the County and to the existing land use; The proposed use is consistent with the purposes of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use;
<i>Findings #5 and #6</i>	<i>The proposed use is in keeping with the overall goals of the County as described in Finding #1. Further, the subject property is zoned Agricultural (AG) District and the Zoning Ordinance specifically allows the existing use with approval of a Conditional Use Permit and the proposed use with approval of a Conditional Use Permit Amendment. The County granted the original Conditional Use Permit in 2005 and the County has granted four subsequent Amendments since 2005, suggesting that the County believes that the use meets the overall land use goals of the County and that the use is consistent with the purposes of the Zoning Ordinance and the purposes of the AG District. Therefore, the County finds that the proposed use / Amendment complies with goals established within the Comprehensive Plan, the purposes and intent of the Zoning Ordinance, and the purposes of the AG District.</i>
Factor #7 <i>Finding #7</i>	The proposed use will not cause traffic hazard or congestion; and <i>The proposed Amendments – being an accessory structure for storage purposes and a modified legal description – will not cause any change or increase in traffic generated at the subject site. The proposed structure is intended for storage purposes only. Therefore, the County finds that the proposed use / Amendments will not cause traffic hazards or congestion.</i>
Factor #8 <i>Finding #8</i>	The proposed use will not adversely impact existing nearby properties by intrusion of noise, glare or general unsightliness. <i>Based on application materials, the proposed use (accessory structure) will have an appearance in keeping with accessory structures commonly found in the County's Agricultural (AG) District as well as accessory structures within the surrounding area. The proposed use of the structure – being storage – and the proposed building materials suggest that the structure will likely have minimal impacts on factors such as noise or glare. Therefore, the County finds that the proposed use / Amendment will not have any adverse impacts to nearby properties by intrusion of noise, glare, or general unsightliness.</i>

REVIEW PROCESS

The Technical Review Committee met on August 9, 2023. The Committee did not identify any concerns with the proposed Amendment.

The Nessel Town Board reviewed the proposed CUP Amendment at its August 8, 2023 meeting and recommended approval with the condition that JDNH Properties, LLC will apply dust control as needed and specifically more than once per year when needed from CSAH 7 to Flickabirds driveway. Coordination and application shall be at the discretion of the township as Road Authority.

Staff notes that the County's review of the proposed Amendment and related action is limited in scope to the proposed expansion of the current operation through construction of an accessory structure and modification of the legal description to include recently acquired land. The County is not able to eliminate or modify previously approved conditions or add new conditions unless they have a direct nexus to the specific Amendment request. If the County finds that the proposed accessory structure and/or modified legal description have a direct impact on dust control, then the County should consider the township's recommended condition of approval.

The 60-day review period expires on October 2, 2023.

WRITTEN TESTIMONY

No written testimony was submitted to the County as of the completion of this report.

STAFF RECOMMENDATION

Staff believes that the proposed Amendment complies with and is consistent with the intent of the County's Zoning Ordinance and Comprehensive Plan. Barring any new or unknown evidence of compliance discovered after the completion of this report or during the course of the public hearing, **staff recommends approval** of the CUP Amendment with conditions (see below) and has prepared a resolution for the Commission's consideration.

Staff notes that the proposed conditions are the exact conditions previously approved by the County Board, with the addition of condition no. 1 to clarify that this approval is an Amendment and condition no. 2 to address the proposed accessory structure (added conditions shown underlined). Additionally, the legal description included in the draft resolution has been updated to reflect JDNH Properties, LLC's recent land acquisition. As a reminder, conditions that have no relationship to the requested Amendment(s) should not be added, eliminated, or altered.

Condition(s):

1. This Conditional Use Permit (CUP) Amendment supersedes the original CUP granted by the Chisago County Board of Commissioners on August 17, 2005 (original CUP) which granted approval for the operation of a recreational campground and bar / restaurant (recorded as Document No. A-458888) and four subsequent Amendments granted on July 11, 2007, May 19, 2010, September 21, 2011, and September 20, 2017. With this approval, all previously approved conditions are still in effect and the following is allowed:
 - a. Expansion of the existing operation through construction of an accessory structure intended for storage purposes; and,
 - b. Modification of the legal description to include recently acquired land.

2. The accessory structure shall be constructed in general conformance (including location, size and materials) with application materials kept on file with the Department of Environmental Services. Any significant deviation, as determined by Chisago County Department of Environmental Services staff, shall require further review by the Planning Commission and approval by the County Board.

Original CUP:

3. Wastewater Treatment System must meet County and State Rules.
4. Reserved wastewater treatment site must be fenced off to prevent disturbance of area by traffic and/or other campground activities.
5. Wells(s) must meet Minnesota Department of Health Standards.
6. Must obtain and maintain a valid recreational camping area, food and beverage license from Minnesota Department of Health.
7. Road construction into and throughout camping ground must meet approval of County and/or Township Engineer.
8. NPDES and SWPP permits must be obtained from Minnesota Pollution Control Agency with plans also submitted and reviewed by SWCD.
9. Impervious surface coverage in each tier must not exceed 25%.
10. Adequate parking spaces must be provided to accommodate all business at the site and must be maintained in a nuisance free manner.
11. The pond shown between the restaurant and the shoreline is actually in the shore impact zone, therefore, this pond must be redesigned so as to have minimal effect in the shore impact zone (i.e., narrower and longer in design) and adequate erosion control must be in place prior to any construction of the pond.
12. Dust control on township road leading up to entrance of campground must be done as needed as determined by the zoning administrator or appointed designee.
13. Bar and restaurant must be discontinued if the recreational camping area is discontinued unless zoning regulations have changed to allow a bar/restaurant as a stand-alone primary use.
14. Docks and boat ramps must meet Minnesota Department of Natural Resources standards.
15. Notification must be made to Chisago County Environmental Services if any changes to the proposed docking and/or boat ramp are made.
16. Any expansion to camping sites and/or bar and restaurant will require an amended Conditional Use Permit.
17. Site must be available for inspection by County staff during operating hours.
18. Campground rules must be posted on site.

Amendment (1) to expand with 20 additional campsites with two conditions:

19. Flickabirds may expand their campground by 20 more sites to a total of 50.
20. Flickabirds may hold outdoor events such as live music and fireworks provided that all required County approvals are obtained.

Amendment (2) to allow a camp store with bait sales with five conditions:

21. This CUP Amendment allows conversion of one half of the recently added storage space (14' x 28') to serve as a small camp-store offering basic groceries, sundries, and live bait for sale to the campers in residence.
22. This small retail expansion must be subordinate and accessory to the campground and will not be considered a principal conditional use in its own right.
23. If the campground ceases operation through voluntary withdrawal, revocation, or other legal means, the camp store must also cease to operate, as it is clearly incidental to the principal use of the campground and is otherwise not an allowed use in the Zoning District.
24. The camp store cannot be advertised to the general public as a retail store.
25. Other than within the campground itself, no advertising signage will be permitted for this retail use.

Amendment (3) to expand with 15 additional campsites (total of 65) with one condition and one suggestion:

26. The septic system must be evaluated for capacity and performance and found to be in compliance.

****It is suggested, but not required that the Mells offer a "goodwill gesture" on the matter of dust control.****

Amendment (4) to expand with 12 additional campsites (total of 77) with three conditions:

27. The permittee shall submit required annual monitoring reports on the main septic system in order to maintain the compliant status of the system and the RV park.
28. The permittee shall submit completed engineering on the recalculated retention pond prior to beginning construction on the new sites.
29. The permittee shall ensure that all RVs housed and stored in the park remain licensed as recreational vehicles and are transportable; park model cottages shall be prohibited.

OPTIONS

1. Recommend that the County Board **approve** the Conditional Use Permit Amendment with Findings of Fact and conditions presented or amended.
2. Should the Planning Commission determine that the proposed Conditional Use Permit Amendment does not comply with and/or is not consistent with the intent of County's Zoning Ordinance or Comprehensive Plan upon completion of the public hearing and/or upon discovery of any new or unknown evidence, recommend that the County Board **deny** the Conditional Use Permit Amendment based on factors deemed appropriate.

Note: Denial of the requested Amendment will not result in automatic revocation of the existing CUP or otherwise render it null and void; it will simply leave the existing CUP in effect as-is and not allow for construction of an accessory structure and not allow for the legal description to be updated.

3. **Table** the request to allow for submission of additional supporting documentation and/or further review and consideration. If tabling the request, the Commission should also include in its motion a **60-day extension** of the review period.

4. Recommend that the County Board consider **revocation** of the existing Conditional Use Permit due to the inability of the subject site to support the scope and scale of the approved CUP or the Commission finds other probable cause.

Note: If the Planning Commission moves to recommend revocation, the motion should include explicit reason for such action.

ACTION REQUESTED

Motion to adopt Resolution No. PC2023-0901, a resolution recommending approval of an Amendment to a Conditional Use Permit allowing a Commercial Recreation Area use on property located at 50091 Clover Trail in Nessel Township, with Findings of Fact and conditions as presented or amended.

If the Commission chooses to recommend denial of the request for Conditional Use Permit Amendment, staff will prepare a revised resolution based on the Findings of Fact established by the Commission.

ATTACHMENTS

1. Application materials:
 - a. Application
 - b. Written narrative
 - c. Site plan
 - d. Location maps (2)
 - e. Rendering
 - f. Floor plan
 - g. Building plans
 - h. Materials list and proposal
2. Aerial location map (1) – subject property
3. Aerial location map (2) – vicinity map
4. Draft Resolution No. PC2023-0901

CC: JDNH Properties, LLC, property owner
Nick Hammond, applicant
County file

Permit #

23-1120

PLANNING ADMINISTRATIVE FORM

Chisago County Department of Environmental Services

Recording Fee

\$460-

Base Fee

\$1,025-

Wetland or Septic Fees

Plat Compliance Fee

TOTAL FEE

\$1,071-

Street Location

50091 Clover Trail

Tax Parcel #

06.00520122

Legal Description

See attached

E-Mail Address:

Owner:

JDNA Properties LLC

Day Phone

Address

PO Box 460 Rush City MN 55069

Applicant (if other than owner)

Nick Hammond

Day Phone

Address

50234 Acacia Ln Starchfield MN 55080

Type of Request:

Variance

☐

Preliminary Plat

☐

Administrative Appeal

☐

Administrative Permit

☐

Conditional Use Permit
(or amendment to CUP)

☒

Ordinance Amendment

☐

Interim Use Permit
(or amendment to IUP)

☐

Rezoning

☐

Applicable section of ordinance:

Description of request:

Proposing to amend our existing CUP to include recently acquired additional land, and to construct a pole building (see attachment.)

If Variance Application, Brief

Description of Practical
Difficulty

Signature of Applicant

Date of Application

I hereby certify that the above information is true and correct to the best of my knowledge, and that any knowingly false representations may invalidate any approvals. With my signature, I also grant permission to Chisago County Officials to enter upon the subject property for the purpose of such inspections as may be necessary.

6/23/23

Date Received

8-3-23

Date Complete

10-2-23

60/120 Day Review Period

Date of Public
Hearing:

SEPT. 7, 2023

7-7-23 *DEEMED
INCOMPLETE
on 7-13-23

BO

TOWNSHIP PRESENTATION FORM

Street Location 50091 Clear Trail Rush City MN 55069

Legal Description See attached

Owner Name JDNH Properties LLC

Day Phone: [REDACTED]

Address: 50234 Acacia Ln Stanchfield MN 55080

Applicant: Nick Hammond
(if other than owner)

Day Phone: [REDACTED]

Address: 50234 Acacia Lane Stanchfield MN 55080

Type of Request:

Variance ☐

Preliminary Plat ☐

Administrative Appeal ☐

Administrative Permit ☐

Conditional Use Permit ☒

(or amendment to CUP)

Rezoning ☐

Interim Use Permit ☐

Ordinance Amendment ☐

Description of Request:

Proposing to amend our existing CUP to include recently acquired additional land, and to construct a pole building.

Date of County Public Hearing: SEPT. 7, 2023

Date of Township Presentation: AUG. 8, 2023

TOWNSHIP ACTION TAKEN

Approved ☒

Denied ☐

Reasons and Conditions:

To Amend the CUP to include: Nessel Twshp will approve on the condition that JDNH will apply dust control as needed and specifically more than once per year when needed.

Signature of Township Officers:

Coordination and application at the discretion of the twshp as road authority. From Co Rd 7 to Flicka birds driveway.

Michelle Meier
Steph Seboka

Signature of Applicant

Ben O'Malley

7/7/23

Date

Betsy Rusing H.S.

Wah Ah-f-

7/27/2023

Re: JDNH Properties LLC & Flickabird's Resort

To whom it may concern,

The purpose of our requested amendment to our existing CUP is first to update our legal description to include the approximately 17,200 sq. ft of land that was purchased from Scott & Deb Mell. The second purpose is to include / approve the construction of a pole building.

This building will be located on the very northwest corner of the existing parcel owned by JDNH Properties, LLC. The purpose for the building will be to provide storage for the fixtures of Flickabird's Resort (vehicles, tables, supplies, etc.) Building plans & specs have been included with this letter.

If there are any questions / concerns with our application, please reach out to either Nick or Jason directly.

Nick: [REDACTED]

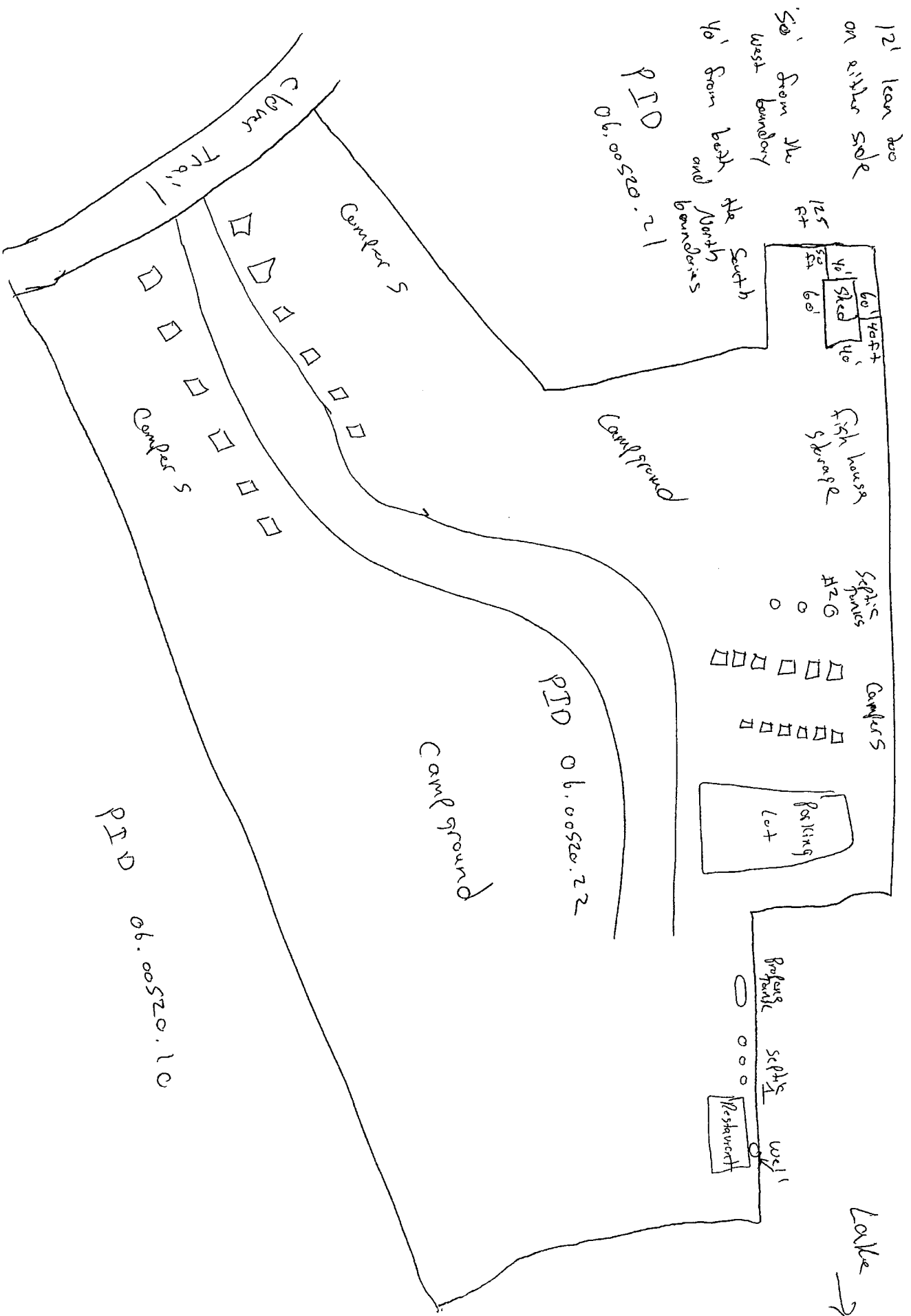
Jason: [REDACTED]

Sincerely,

Nick Hammond

Shed Plans
40' x 60'

PID 06.00515.00



Chisago



legend

Results
View

Zoom In



Zoom Out



Pan



Zoom Prev



Zoom Next



Zoom Select



Zoom Extent



Clear



Search



I



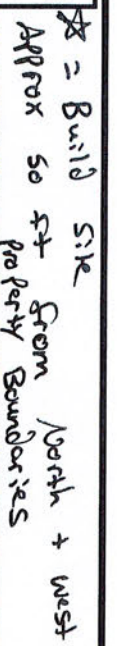
2 Items

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☒	060052022	06.00520.22	JDNH PROPERTIES LLC	50234 ACACIA LN	STANCHFIELD

Scale 1: 4800

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Y: 238890.9635

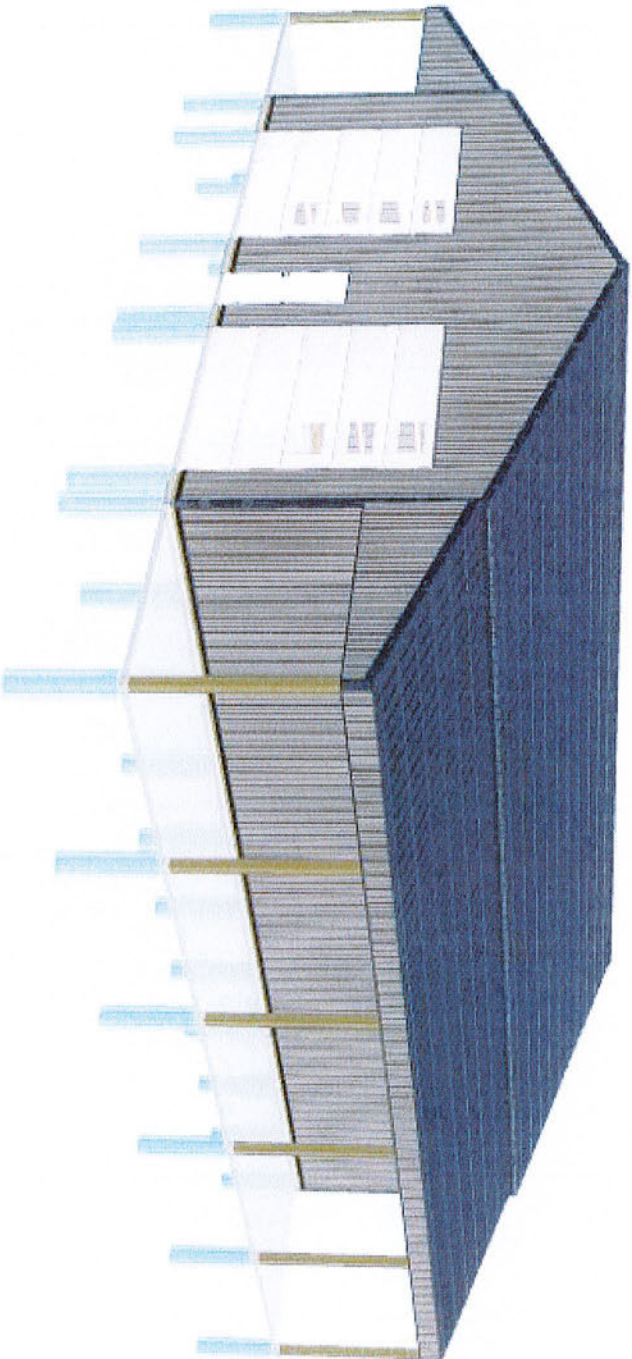


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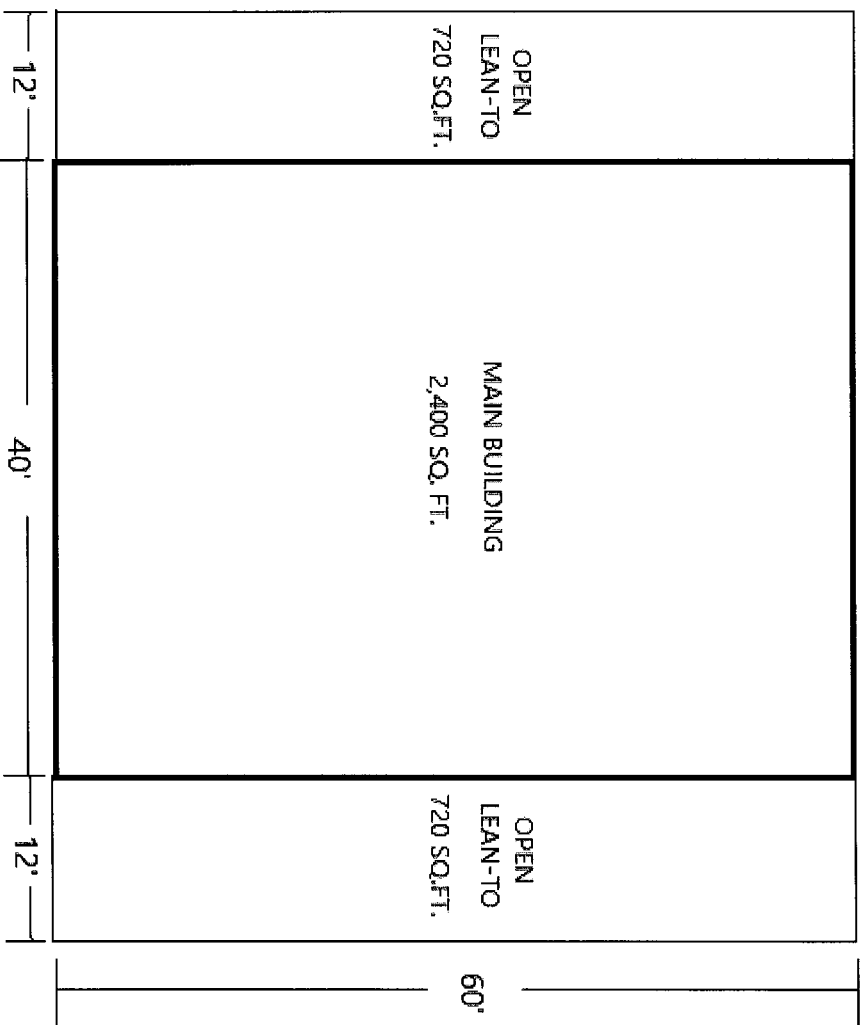
These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.



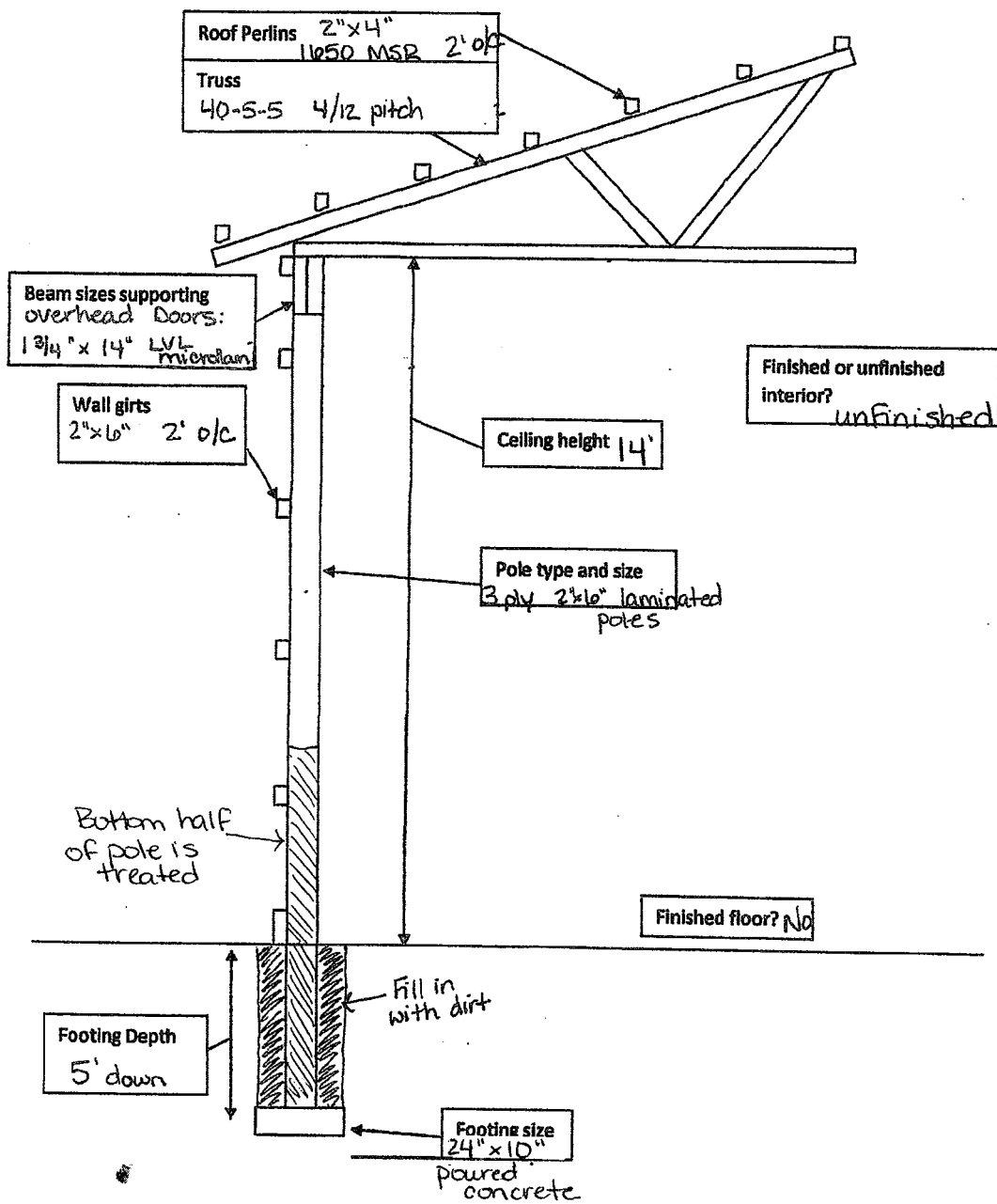
Flickabirds Resort
50091 Clover Trail
Rush City, MN 55069



Flickabirds Resort
50091 Clover Trail
Rush City, MN 55069



Pole Building Wall Section



Job Number: 2220425
Flickabirds Resort 40x60 Designer: Gilbert Meyer
Truss Label: PF6440

Ply: 1
Qty: 9
Wgt: 277.2 lbs
SECT: 152987 / T1 / COMM
FROM:
Page 2 of 2

DRW:
... / ... 12/21/2022

Wind
Wind loads based on MWFRS with additional C&C member design.

Wind loading based on both gable and hip roof types.

****IMPORTANT** READ AND FOLLOW ALL NOTES ON THIS DRAWING!**

Trusses require extreme care in fabricating, handling, shipping, installing and bracing. Refer to and follow the latest edition of BCSI (Building Component Safety) Information, by TPI and SBCA for safety practices prior to performing these activities. Trusses shall be braced and secured as attached rigid ceiling. Locations shown for permanent lateral restraint of webs shall have bracing installed per BCSI sections B3, B7, or B10 as applicable. Apply plates to each face of truss and position as shown above and on the Joint Details, unless noted otherwise. Refer to drawings 160A-2 for standard plate positions.

Alpine, a division of ITW Building Components Group Inc. shall not be responsible for any deviation from this drawing any failure to build the truss in conformance with ANSI/TPI 1, or for handling, shipping, installation and bracing of trusses. A seal on this drawing or cover page indicating this drawing indicates acceptance of professional engineering responsibility solely for the design shown. The suitability and use of this drawing for any structure is the responsibility of the Building Designer per ANSI/TPI 1 Sec. 2.

For more information see this job's general notes page and these web sites: ALPINE: www.alpineitw.com; TPI: www.tpiinc.com; SBCA: www.sbcaindustrial.com; ICC: www.iccsafe.org



Job Number: 2220425
Flickabirds Resort 40x60 Designer: Gilbert Meyer
Truss Label: PF6440SE

Qty: 2
Wgt: 372.4 lbs
FROM: Page 1 of 2

DRW:

12/21/2022

PLEASE NOTE!!! IF REQUIRED BY DESIGN!!!
ALL WEB BRACING WILL BE MARKED
WITH FLUORESCENT GREEN.

ALL INTERIOR BEARINGS WILL BE MARKED
WITH FLUORESCENT ORANGE.

A Maximum Reactions (lbs)

Loc R+ / R- / Rh / Rw / U / U / RL

AZ 6272 1- 1- /1114 /508 /205

O 6272 1- 1- /1114 /508 1-

Wind reactions based on MWFRS

AZ Big Wind = 5.5 Min Req = 5.2 (Truss)

O Big Wind = 5.5 Min Req = 5.2 (Truss)

Bearings AZ & O are a rigid surface.

Maximum Top Chord Forces Per Ply (lbs)

Chords Tens. Comp. Chords Tens. Comp.

A-B 1287-15245 H-1 583 -7476

B-C 1213-14619 J-1 857 -9720

C-D 1205-14350 J-K 845 -9846

D-E 1039-12504 K-L 1039 -12504

E-F 845-9946 L-M 1205 -14350

F-G 857-9720 M-N 1213 -14619

G-H 583-7476 N-O 1287 -15245

Maximum Bot Chord Forces Per Ply (lbs)

Chords Tens. Comp. Chords Tens. Comp.

A-S 14160-1135 Q-P 12334 -952

S-R 12334-952 P-O 14160 -1135

R-Q 10524 -792

Maximum Web Forces Per Ply (lbs)

Web Tens. Comp. Web Tens. Comp.

C-T 217-1145 H-AJ 3273 -166

U-S 237-1209 AK-AL 2805 -98

S-V 1762-94 AM-AN 2890 -97

W-X 1689-88 AO-Q 2890 -99

Y-E 2480-185 O-AP 242 -2466

E-Z 241-2458 AQ-AR 242 -2457

AA-AB 242-2457 AS-K 241 -2458

AC-R 242-2466 K-AT 2480 -185

AE-AD 2890-99 AU-AV 1689 -94

AG-AH 2805-98 AW-P 1762 -98

AI-H 3273-166 AY-M 217 -1145

Maximum Gable Forces Per Ply (lbs)

Gables Tens. Comp. Gables Tens. Comp.

B-T 142-235 AG-AL 276 -2405

U-V 120-138 AK-I 322 -2280

W-AB 181-32 AM-AR 275 -2392

D-X 216-1801 AO-AP 204 -15

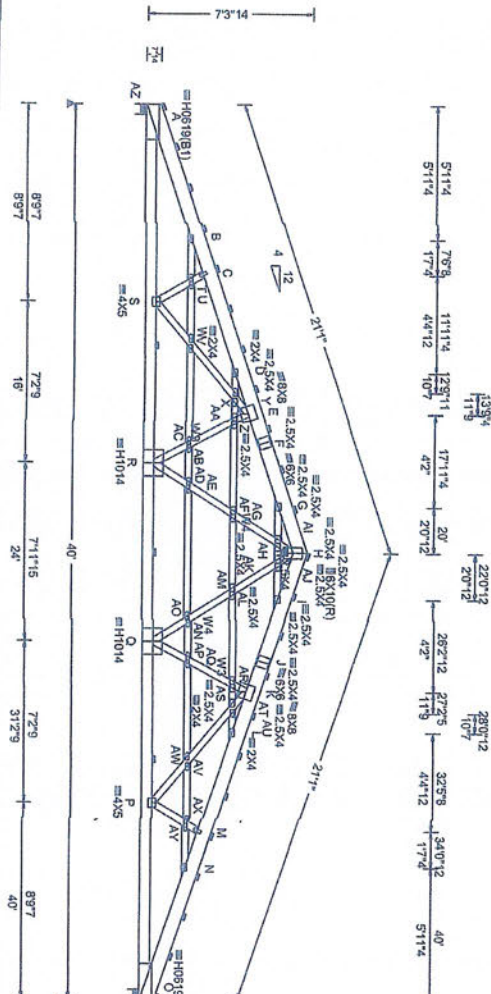
Y-Z 276-2355 AQ-AR 181 -32

AA-AF 275-2392 AS-AT 276 -2356

AC-AD 204-6 AU-L 216 -1801

AE-AH 206-7 AW-AX 120 -138

G-AH 322-2280 AY-N 142 -235



Truss Label	Truss Label
TCLL: 42.00	Wind Stc: ASCE 7-16
TCCL: 5.00	Enclosure: Closed
BCLL: 0.00	Risk Cat: II
BCCL: 5.00	TCCL: 3.0 psf
Des Ld: 52.00	BCCL: 3.0 psf
NCBCLL: 10.00	Mean Height: 15.00 ft
Soft: 2.00	MWFRS Parallel Dist: 0 to h/2
Load Duration: 1.15	C&C Dist at 4.00 ft
Spacing: 72.0"	Loc. from endwall: Any
	L: 1.0 GCpl: 0.18
	Wind Duration: 1.60

Wind Criteria	Snow Criteria	Code / Misc Criteria	Def/CSI Criteria
Wind Stc: ASCE 7-16	(Pg. P1 in PSF)	Bldg Code: IBC 2018	PP Deflection in Loc U/def L/H
Enclosure: Closed	Pg: 50.0 Cr: 1.2	TPI Stc: 2014	VERT(TL): 0.746 Q 638 240
Risk Cat: II	Pt: 42.0	Rep Factors Used: No	VERT(TL): 0.928 Q 513 180
TCCL: 3.0 psf	CAT: II	FT/RT: 12(10)/5(10)	HORZ(TL): 0.262 O -
BCCL: 3.0 psf	Ce: 1.0	Plate Type:	HORZ(TL): 0.326 O -
Mean Height: 15.00 ft	Lv: -	HS, WAVE	Max TC CSI: 0.982
MWFRS Parallel Dist: 0 to h/2	Cs: 0.94		Max BC CSI: 0.996
C&C Dist at 4.00 ft	Snow Duration: 1.15		Max Web CSI: 0.605
Loc. from endwall: Any			Creep Factor: 2.0
L: 1.0 GCpl: 0.18			
Wind Duration: 1.60			

VIEW Ver: 22.02.00.0914.11

Maximum Web Forces Per Ply (lbs)

Web Tens. Comp.	Web Tens. Comp.
C-T 217-1145 H-AJ 3273 -166	
U-S 237-1209 AK-AL 2805 -98	
S-V 1762-94 AM-AN 2890 -97	
W-X 1689-88 AO-Q 2890 -99	
Y-E 2480-185 O-AP 242 -2466	
E-Z 241-2458 AQ-AR 242 -2457	
AA-AB 242-2457 AS-K 241 -2458	
AC-R 242-2466 K-AT 2480 -185	
AE-AD 2890-99 AU-AV 1689 -94	
AG-AH 2805-98 AW-P 1762 -98	
AI-H 3273-166 AY-M 217 -1145	

Maximum Gable Forces Per Ply (lbs)

Gables Tens. Comp.	Gables Tens. Comp.
B-T 142-235 AG-AL 276 -2405	
U-V 120-138 AK-I 322 -2280	
W-AB 181-32 AM-AR 275 -2392	
D-X 216-1801 AO-AP 204 -15	
Y-Z 276-2355 AQ-AR 181 -32	
AA-AF 275-2392 AS-AT 276 -2356	
AC-AD 204-6 AU-L 216 -1801	
AE-AH 206-7 AW-AX 120 -138	
G-AH 322-2280 AY-N 142 -235	

Lumber
Top chord: 2x8 SP 2400f2.0E;
Bot chord: 2x6 SP 2700f2.2E;
Webs: 2x4 SP #1; W3 2x4 SPF 1650f-1.5E;
W4 2x4 SPF 2100f-1.8E;

Purlins
In lieu of structural panels or rigid ceiling use purlins to laterally brace chords as follows:
Chord Spacing(in oc) Start(ft) End(ft)
TC 24 0.00 20.00
TC 24 20.00 40.00
BC 118 0.15 39.85

Apply purlins to any chords above or below fillers at 24" OC unless shown otherwise above.

Plating Notes
All plates are 1.5X4 except as noted.

Wind
Wind loads based on MWFRS with additional C&C member design.
Wind loading based on both gable and hip roof types.

WARNING READ AND FOLLOW ALL NOTES ON THIS DRAWING**

Trusses require extreme care in fabricating, handling, shipping, installing and bracing. Refer to and follow the latest edition of BCSI (Building Component Safety) Information, by TPI and SCSA (Steel Construction Safety Association) for proper erection and bracing of trusses. Do not entrap, attach, or brace trusses in a manner that could cause structural failure. Locations shown for permanent lateral restraint of webs shall have bracing installed per BCSI sections B3, B9 or B10 as applicable. Apply plates to each face of truss and position as shown above and on the Joint Details, unless noted otherwise. Refer to drawings 160A-2 for standard plate positions.

Alpine, a division of ITW Building Components Group Inc. shall not be responsible for any deviation from this drawing any failure to build the truss in conformance with ANSI/TPI 1, or for handling, shipping, installation and bracing of trusses. A seal on this drawing or cover page and use of this drawing for any structure is the responsibility of the Building Designer per ANSI/TPI 1 Sec. 2.



2220425 PF6440SE
KAWOOD WOODWORKERS, INC.
1725 805-5202 FAX: 0147-604-5253

Job Number: 2220425
Flickabirds Resort 40x60 Designer: Gilbert Meyer
Truss Label: PFG440SE

Qty: 2
Wgt: 372.4 lbs
FROM:
Page 2 of 2

SECT: 152993 / T2 / GABL
DRW:
... / ... 12/21/2022

Loading

Truss designed to support 1-0-0 top chord outlookers and cladding load not to exceed 5.00 PSF one face and 72.0" span opposite face. Top chord must not be cut or notched, unless specified otherwise.

Bottom chord checked for 10.00 psf non-concurrent live load.

Truss designed for unbalanced snow loads.

Slope reduction based on Unobstructed Slippery Surface.

Additional Notes

Truss has been designed for vertical in-plane loads only. Any lateral/horizontal wind loads shall be transferred into the roof and ceiling diaphragms. Connection and design of these systems is the responsibility of the Building Designer in accordance with ANSI/TPI 1.

WARNING READ AND FOLLOW ALL NOTES ON THIS DRAWING!

Trusses require extreme care in fabricating, handling, shipping, installing and bracing. Refer to and follow the latest edition of BCSI (Building Component Safety Information, by TPI and SBCA) for safety practices prior to performing these functions. Installers shall provide temporary bracing per BCSI. Unless noted otherwise, top chord shall have properly attached structural sheathing and bottom chord shall have a properly attached ceiling. Locations shown for permanent lateral restraint of webs shall have bracing installed per BCSI sections B3, B7 or B10 as applicable. Refer to drawings 160A-2 for standard plate positions.

Alpine, a division of TTV Building Components Group Inc. shall not be responsible for any deviation from this drawing, any failure to build the truss in accordance with ANSI/TPI 1, or for handling, shipping, installation and bracing of trusses. A seal on this drawing or cover page indicates acceptance or professional engineering responsibility solely for the design shown. The suitability and use of this drawing for any structure is the responsibility of the Building Designer per ANSI/TPI 1 Sec.2.

For more information see this job's general notes page and these web sites: ALPINE: www.alpinebldg.com, TPI: www.tpiinc.com, SBCA: www.sbcaindstry.com, ICC: www.iccsafe.org



2220 LITTLEWOOD AVE. #200
DENVER, CO 80231
303.752.0000 FAX: 303.752.0001

Materials list

LONSKY CONSTRUCTION, LLC

48315 Deerwood Avenue

Rush City, MN 55069

(763) 238 – 1184

dan@lonskyconstruction.com

Date: April 23, 2023

PROPOSAL SUBMITTED TO	WORK TO BE PERFORMED AT
Name__Jason Davis_____	Homeowner__Flickabirds Resort_____
Street_____	Street__50091 Clover Trail_____
City_____ State_____	City__Rush City_____ State_MN, 55069__
Telephone____[REDACTED]_____	Telephone_____
Email_____	

Building size: 40' (width) x 60' (length) x 14' (height)

- Concrete: 24" x 10" poured footings dug 5ft down
- Lumber (poles): 2" x 6" 3 ply laminated posts (bottom half treated) 6' o/c
- Lumber: 2" x 8" .60 treated grade board
- Lumber: 2" x 6" spruce pine fir #1/#2 sidewall girts 2' o/c
- Lumber (trusses): 4/12 roof pitch – 40-5-5 roof truss's 6' o/c (see truss specs document for more details)
- Lumber: 2" x 4" 1650 MSR roof purlins 2' o/c
- Steel roof peak cap: Universal vented ridge cap 29 gauge
- Steel: Max Rib II 29g steel panels to be screwed on by color matched screws.
 - Roof color: Charcoal
 - Wall color: Ash Gray
- Labor: 2 – 12' wide x 12' tall overhead door openings on front gable end (Header board: 1 3/4" x 14" 2.0E Microllam LVL)
- Labor: 1 – 10' wide x 10' tall overhead door opening on back gable end (Header board: 1 3/4" x 14" 2.0E Microllam LVL)
- 2 – 3'x0 service/man doors
- Labor: Build 12' wide x 60' long open lean-to on each sidewall of building

Any alteration or deviation from above specifications involving extra costs, will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents, or delays beyond our control. Owner to carry fire, tornado, and other necessary insurance upon above work. Workman's Compensation and Public Liability insurance on above work to be taken out by Lonsky Construction.

Respectfully submitted __Dan Lonsky_____

NOTE: This proposal may be withdrawn by us if not accepted within __15 - 30__ days.

*Due to material prices fluctuating month to month, our proposals are good for 15-30 days. The proposal price might have to be re-evaluated if it has not been accepted within that time frame of the proposal date.

PROPOSAL

LONSKY CONSTRUCTION, LLC

48315 Deerwood Avenue

Rush City, MN 55069

(763) 238 – 1184

dan@lonskyconstruction.com

Date: April 23, 2023

PROPOSAL SUBMITTED TO	WORK TO BE PERFORMED AT
Name__Jason Davis_____	Homeowner__Flickabirds Resort_____
Street_____	Street__50091 Clover Trail_____
City_____State_____	City__Rush City_____State_MN, 55069__
Telephone____[REDACTED]_____	Telephone_____
Email_____	

We hereby propose to furnish all the materials and perform all the labor necessary for the completion of:

Building size: 40' (width) x 60' (length) x 14' (height)

- 24" x 10" poured footings dug 5ft down
- 3 ply laminated posts 6' o/c
- 2" x 8" .60 treated grade board
- 2" x 6" sidewall girts 2' o/c
- 4/12 roof pitch – 40-5-5 roof truss's 6' o/c
- 1650 MSR 2" x 4" roof purlins 2' o/c
- Universal vented ridge cap
- All 29g steel to be screwed on by color matched screws. (color(s) to be selected by homeowner; premium colors are a price upcharge)
- 2 – 12' wide x 12' tall overhead door openings on front gable end
- 1 – 10' wide x 10' tall overhead door opening on back gable end
- 2 – 3'x0 service/man doors
- Build 12' wide x 60' long open lean-to on each sidewall of building

~This is for the shell of the building only. Homeowner is responsible for prep of the building site. We require at least 10ft apron around the actual size of the building pad for machinery to be used. (For example, if building size is 30'x40', the prepped pad should be 50'x60'.) If this is not done, additional sand might be needed at the expense of the homeowner.

~Homeowner is responsible for obtaining the building permit.

*Lonsky Construction to haul away all steel related construction debris.

**Lonsky Construction is not liable for any yard damage if heavy machinery is needed

***There also might be temporary yard/grass damage where new materials are dropped/delivered if the materials are placed on grass.

All material is guaranteed to be as specified, and the above work to be performed in accordance with the drawings and specifications submitted for above work and completed in a substantial workmanlike manner for the sum of with payments to be made as follows:

Total: \$69,260

*Due to city tax variations, sales tax not included in proposal and will be added to final invoice. Sales tax is on materials only, not the total price of the building.

1/2 down due upon acceptance of proposal, remaining amount due upon completion of Lonsky Construction's work; not including any overhead door installation due to subbing out to door companies, this is not Lonsky Construction's work and their installation times are out of our control.

Any alteration or deviation from above specifications involving extra costs, will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents, or delays beyond our control. Owner to carry fire, tornado, and other necessary insurance upon above work. Workman's Compensation and Public Liability insurance on above work to be taken out by Lonsky Construction. If any legal action needs to be taken if faulty payment, no payment, or any other instances, homeowner is responsible for any/all legal fees. If the final invoice has not been paid within 30 days of the invoice date, it will accrue 1% interest every month thereafter.

Respectfully submitted ___Dan Lonsky_____

NOTE: This proposal may be withdrawn by us if not accepted within ___15 - 30___ days.

*Due to material prices fluctuating month to month, our proposals are good for 15-30 days. The proposal price might have to be re-evaluated if it has not been accepted within that time frame of the proposal date.

Acceptance of Proposal

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Accepted_____Signature_____

Date_____Signature_____

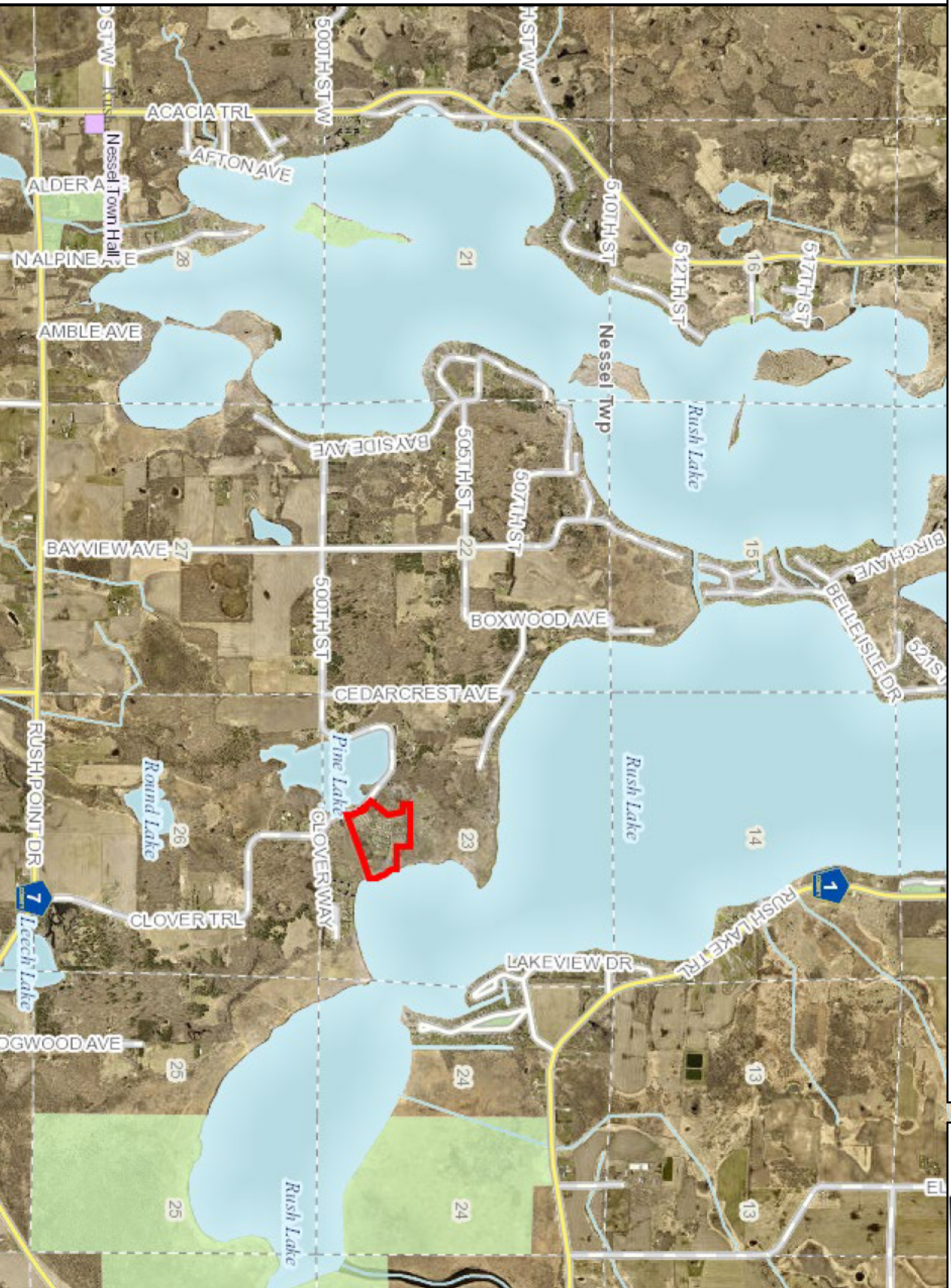
JDNH Properties, LLC and Nick Hammond – Property owner JDNH Properties, LLC and applicant Nick Hammond are requesting an Amendment to a Conditional Use Permit (CUP) allowing a recreational campground known as Flickabirds Resort. The proposed Amendments include an updated legal description and expansion of the use through construction of an accessory structure for storage purposes. The 23.46± acre subject site is zoned Agricultural (AG) District / Shoreland Management District and is located at 50091 Clover Trail in Nessel Township, S23, T37, R22 (PID 06.00520.22).

JDNH Properties, LLC Property - 



JDNH Properties, LLC and Nick Hammond – Property owner JDNH Properties, LLC and applicant Nick Hammond are requesting an Amendment to a Conditional Use Permit (CUP) allowing a recreational campground known as Flickabirds Resort. The proposed Amendments include an updated legal description and expansion of the use through construction of an accessory structure for storage purposes. The 23.46± acre subject site is zoned Agricultural (AG) District / Shoreland Management District and is located at 50091 Clover Trail in Nessel Township, S23, T37, R22 (PID 06.00520.22).

JDNH Properties, LLC Property -



RESOLUTION NO. PC2023-0901

**A RESOLUTION OF THE PLANNING COMMISSION OF CHISAGO COUNTY, MINNESOTA,
RECOMMENDING APPROVAL OF AN AMENDMENT TO A CONDITIONAL USE PERMIT
ALLOWING A COMMERCIAL RECREATION AREA USE ON PROPERTY LOCATED AT
50091 CLOVER TRAIL IN NESSEL TOWNSHIP**

WHEREAS, JDNH Properties, LLC, property owner, and Nick Hammond, applicant, submitted an application dated received July 7, 2023 and considered complete on August 3, 2023 for an Amendment to a Conditional Use Permit allowing a Commercial Recreation Area use known as Flickabirds Resort on property located at 50091 Clover Trail in Nessel Township; and

WHEREAS, the original Conditional Use Permit was granted by the Chisago County Board of Commissioners on August 17, 2005 and the approval was filed by the Chisago County Recorder's Office as Document No. A-458888; and

WHEREAS, the Chisago County Board of Commissioners granted four subsequent Amendments to the Conditional Use Permit on July 11, 2007, May 19, 2010, September 21, 2011, and September 20, 2017; and

WHEREAS, the property owner and applicant wish to Amend the Conditional Use Permit in order to expand the use by constructing an accessory structure for storage purposes and modify the legal description following a recent land acquisition; and

WHEREAS, the subject site is located in the Agricultural (AG) District / Shoreland Management District; and

WHEREAS, the subject site is legally described as:

PID 06.00520.22

Lot 2, Block 1, Flickabirds, Chisago County, Minnesota. AND That part of Lot 1, Block 1, Flickabirds, Chisago County, Minnesota, described as follows: Beginning at the most northeasterly corner of said Lot 1; thence North 89 degrees 57 minutes 02 seconds West, assumed bearing, and along the North line of said Lot 1, a distance of 125.00 feet; thence South at a right angle a distance of 125.00 feet; thence East at a right angle and to the intersection with a line bearing South 11 degrees 17 minutes 50 seconds East (said line also being the East line of said Lot 1) from the point of beginning; thence North 11 degrees 17 minutes 50 seconds West to the point of beginning and there terminating.

WHEREAS, notice was provided and on September 7, 2023 the Planning Commission conducted a public hearing regarding this application, at which it heard from the Land Services Coordinator, the property owner and/or applicant, and invited members of the public to comment; and

WHEREAS, the Planning Commission considered several factors for granting Conditional Use Permits and Conditional Use Permit Amendments and made the following findings per Zoning Ordinance Section 8.04:

Factor #1 The [proposed action is consistent with the] Comprehensive Plan and development policies of the County;

Finding #1 The Chisago County Comprehensive Plan outlines a number of goals and policies which are meant to support and encourage the type of activity which will draw visitors to Chisago County, including different types of outdoor recreation. Among those identified goals and policies are the following:

Natural Resources Goal: Prime scenic views and historic landscapes will be recognized as an important local amenity and an increasingly desirable local amenity drawing outside revenue from visitors that is vital to the local economy.

Policies:

- 1. Identify and protect quality of visitor experience of prime scenic features, areas of exceptional rural ambience, important historic sites and their surrounding settings, and prime areas for flora study and wildlife viewing, and public and private open spaces amenable to low impact outdoors recreation.*

Economic Development Goal: Provide for a range of economic diversity and development opportunities in the County.

Policies:

- 1. Promote natural amenities in the County as assets to economic development and business opportunity.*
- 2. Promote tourism as an expanding opportunity for employment and tax base.*
- 3. Promote tourism and commercial recreation as expanding opportunities for employment and tax base.*

Factor #2 The proposed use will not create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area;

Finding #2 The subject site is a tourist / entertainment destination, drawing visitors to the site for commercial recreation activities such as camping and dining. The proposed use / Amendment – including an accessory structure and modified legal description – will not in itself generate any additional visitors. Therefore, the County finds that the proposed use / Amendment will not generate any increased demand upon existing parks or other public facilities or amenities.

Factors #3 and #4 The proposed use will be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development does not suffer undue negative impact and there will be no significant deterrence to future development; The proposed use and site will have an appearance that will not have an adverse effect upon adjacent properties;

Findings #3 and #4 The proposed use is an expansion of an existing outdoor Commercial Recreation Area use through construction of an accessory structure intended for storage purposes and a modification of the legal description. The proposed structure is shown to be located in an area adjacent to two neighboring properties, one being used for residential and commercial purposes and one being used for residential purposes. The site of the proposed structure is heavily wooded as are the adjacent areas on the two neighboring properties. Further, the applicant has provided a rendering and a materials list which show that the proposed structure will have an appearance consistent with pole buildings generally found in the County's Agricultural (AG) District and consistent with pole buildings / structures found on the two neighboring properties. Therefore, the County

finds that the proposed structure will be adequately screened from adjacent development and will have an appearance which is in keeping with the AG District and surrounding area. The County further finds that the proposed legal description modification will have no impact upon adjacent properties.

Factors #5 and #6 The proposed use, in the opinion of the County, is reasonably related to the overall land use goals of the County and to the existing land use;
The proposed use is consistent with the purposes of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use;

Findings #5 and #6 *The proposed use is in keeping with the overall goals of the County as described in Finding #1. Further, the subject property is zoned Agricultural (AG) District and the Zoning Ordinance specifically allows the existing use with approval of a Conditional Use Permit and the proposed use with approval of a Conditional Use Permit Amendment. The County granted the original Conditional Use Permit in 2005 and the County has granted four subsequent Amendments since 2005, suggesting that the County believes that the use meets the overall land use goals of the County and that the use is consistent with the purposes of the Zoning Ordinance and the purposes of the AG District. Therefore, the County finds that the proposed use / Amendment complies with goals established within the Comprehensive Plan, the purposes and intent of the Zoning Ordinance, and the purposes of the AG District.*

Factor #7 The proposed use will not cause traffic hazard or congestion; and
Finding #7 *The proposed Amendments – being an accessory structure for storage purposes and a modified legal description – will not cause any change or increase in traffic generated at the subject site. The proposed structure is intended for storage purposes only. Therefore, the County finds that the proposed use / Amendments will not cause traffic hazards or congestion.*

Factor #8 The proposed use will not adversely impact existing nearby properties by intrusion of noise, glare or general unsightliness.
Finding #8 *Based on application materials, the proposed use (accessory structure) will have an appearance in keeping with accessory structures commonly found in the County's Agricultural (AG) District as well as accessory structures within the surrounding area. The proposed use of the structure – being storage – and the proposed building materials suggest that the structure will likely have minimal impacts on factors such as noise or glare. Therefore, the County finds that the proposed use / Amendment will not have any adverse impacts to nearby properties by intrusion of noise, glare, or general unsightliness.*

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of Chisago County, Minnesota hereby recommends approval of the request for Conditional Use Permit Amendment, subject to the following conditions:

1. This Conditional Use Permit (CUP) Amendment supersedes the original CUP granted by the Chisago County Board of Commissioners on August 17, 2005 (original CUP) which granted approval for the operation of a recreational campground and bar / restaurant (recorded as Document No. A-458888) and four subsequent Amendments granted on July 11, 2007, May 19, 2010, September 21, 2011,

and September 20, 2017. With this approval, all previously approved conditions are still in effect and the following is allowed:

- a. Expansion of the existing operation through construction of an accessory structure intended for storage purposes; and,
 - b. Modification of the legal description to include recently acquired land.
2. The accessory structure shall be constructed in general conformance (including location, size and materials) with application materials kept on file with the Department of Environmental Services. Any significant deviation, as determined by Chisago County Department of Environmental Services staff, shall require further review by the Planning Commission and approval by the County Board.

Original CUP:

3. Wastewater Treatment System must meet County and State Rules.
4. Reserved wastewater treatment site must be fenced off to prevent disturbance of area by traffic and/or other campground activities.
5. Wells(s) must meet Minnesota Department of Health Standards.
6. Must obtain and maintain a valid recreational camping area, food and beverage license from Minnesota Department of Health.
7. Road construction into and throughout camping ground must meet approval of County and/or Township Engineer.
8. NPDES and SWPP permits must be obtained from Minnesota Pollution Control Agency with plans also submitted and reviewed by SWCD.
9. Impervious surface coverage in each tier must not exceed 25%.
10. Adequate parking spaces must be provided to accommodate all business at the site and must be maintained in a nuisance free manner.
11. The pond shown between the restaurant and the shoreline is actually in the shore impact zone, therefore, this pond must be redesigned so as to have minimal effect in the shore impact zone (i.e., narrower and longer in design) and adequate erosion control must be in place prior to any construction of the pond.
12. Dust control on township road leading up to entrance of campground must be done as needed as determined by the zoning administrator or appointed designee.
13. Bar and restaurant must be discontinued if the recreational camping area is discontinued unless zoning regulations have changed to allow a bar/restaurant as a stand-alone primary use.
14. Docks and boat ramps must meet Minnesota Department of Natural Resources standards.
15. Notification must be made to Chisago County Environmental Services if any changes to the proposed docking and/or boat ramp are made.
16. Any expansion to camping sites and/or bar and restaurant will require an amended Conditional Use Permit.
17. Site must be available for inspection by County staff during operating hours.
18. Campground rules must be posted on site.

Amendment (1) to expand with 20 additional campsites with two conditions:

19. Flickabirds may expand their campground by 20 more sites to a total of 50.
20. Flickabirds may hold outdoor events such as live music and fireworks provided that all required County approvals are obtained.

Amendment (2) to allow a camp store with bait sales with five conditions:

21. This CUP Amendment allows conversion of one half of the recently added storage space (14' x 28') to serve as a small camp-store offering basic groceries, sundries, and live bait for sale to the campers in residence.
22. This small retail expansion must be subordinate and accessory to the campground and will not be considered a principal conditional use in its own right.
23. If the campground ceases operation through voluntary withdrawal, revocation, or other legal means, the camp store must also cease to operate, as it is clearly incidental to the principal use of the campground and is otherwise not an allowed use in the Zoning District.
24. The camp store cannot be advertised to the general public as a retail store.
25. Other than within the campground itself, no advertising signage will be permitted for this retail use.

Amendment (3) to expand with 15 additional campsites (total of 65) with one condition and one suggestion:

26. The septic system must be evaluated for capacity and performance and found to be in compliance.

****It is suggested, but not required that the Mells offer a "goodwill gesture" on the matter of dust control.****

Amendment (4) to expand with 12 additional campsites (total of 77) with three conditions:

27. The permittee shall submit required annual monitoring reports on the main septic system in order to maintain the compliant status of the system and the RV park.
28. The permittee shall submit completed engineering on the recalculated retention pond prior to beginning construction on the new sites.
29. The permittee shall ensure that all RVs housed and stored in the park remain licensed as recreational vehicles and are transportable; park model cottages shall be prohibited.

Adopted by the Planning Commission of Chisago County, Minnesota,
this 7th day of September, 2023.

Chris DuBose _____
Eric Leivian _____
Jim McCarthy _____
John Sutcliffe _____

Dave Whitney _____
Jolene Wille _____
Chip Yeager _____

Chip Yeager
Chair

ATTEST: _____
Beth Gervais
Land Services Coordinator



Staff Report

TO: Planning Commission
 FROM: Beth Gervais, Land Services Coordinator
 SUBJECT: Conditional Use Permit for Rural Retail Tourism
 16559 373rd Street, Amador Township
 DATE: September 7, 2023

ACTION TO CONSIDER

The Planning Commission will conduct a public hearing to consider a Conditional Use Permit (CUP) for Rural Retail Tourism in Amador Township. Proposed Rural Retail Tourism activities include mentoring / tutoring sessions, coaching services, sale of locally produced goods and agricultural products, tours and photo sessions, with activity taking place both within existing structures as well as outdoors.

SITE & APPLICATION INFORMATION

Applicant(s):	Janine & Allen Schifsky
Property Owner(s):	Janine & Allen Schifsky
Location:	16559 373 rd Street Amador Township Section 30, Township 35, Range 19
PID:	01.00153.55
Property Area:	10.62± Acres
Current Zoning:	Agricultural (AG) District
Adjacent Zoning:	
North:	Agricultural (AG) District
South:	Agricultural (AG) District
East:	Agricultural (AG) District
West:	Agricultural (AG) District
Date Application Received:	July 31, 2023
Date Application Complete:	August 3, 2023
60-Day Review Period:	October 2, 2023



BACKGROUND

Property owners Janine & Allen Schifsky are requesting a CUP for Rural Retail Tourism. Proposed Rural Retail Tourism activities will include, but are not limited to, mentoring / tutoring sessions, coaching services, sale of locally produced goods and agricultural products, tours and photo sessions, with activity taking place both within existing structures as well as outdoors on 10.62± acres in the AG District. The business will be known as Wild Country Acres, LLC and the subject site is located at 16559 373rd Street in Amador Township.

SITE ANALYSIS

The subject site was platted as Lot 6, Block 1, Whitetail Hills in 2001. The Whitetail Hills subdivision is located north of St. Croix Trail / TH 95, east of Quinlan Avenue and surrounding 373rd Street. The subject site is located south, east of the 373rd Street hammerhead. The subject site and all surrounding properties are located within the AG District.

The site is currently developed with a dwelling and, based on building permit records, a 30' x 60' (1,800 sf) pole building, as well as other detached accessory structures. Topography of the site includes elevations of 969' at the southeast corner and 965' at the northwest corner with elevations gently sloping down toward the center of the site, as well as areas of heavy forestation throughout but primarily on the eastern half. Surrounding properties vary widely in size from 5 acres to 140 acres. All neighboring properties within the Whitetail Hills subdivision – ranging in size from 5 acres to 20.6 acres – have been developed for residential purposes, whereas neighboring properties outside of the Whitetail Hills subdivision have a strong agricultural focus. The image below shows the Whitetail Hills subdivision with the subject site located in the southeast corner. The closest dwellings are located on properties immediately north and west, with the dwelling to the north being approximately 140' from the shared property boundary and the dwelling to the west being approximately 340' from the shared property boundary. Properties to the south and east are used for agricultural purposes and have not been developed with dwellings or other structures.



PROPOSAL ANALYSIS

The property owners' written narrative details a wide range of proposed Rural Retail Tourism activities, including mentoring / tutoring sessions, coaching services, sale of locally produced goods and agricultural products, tours, and photo sessions. This is not an exhaustive list; please refer to the

attached written narrative for a full description of products and services. Rural Retail Tourism activity is proposed to take place both within existing structures and outdoors.

The written narrative offers the following information:

- Hours of Operation – The property owners intend to operate the facility year-round with an anticipated three to seven events scheduled each month. The event schedule will vary depending on demand and personal schedules. The facility will be open Monday – Friday 9:00 am – 7:00 pm, Saturday 9:00 am – 5:00 pm, and Sunday 12:00 – 3:00 pm. Events could be as short as one to two hours or as long as eight hours or longer, depending on subject matter and event type / focus.
- Anticipated Number of Visitors – The property owners are anticipating 1-80 people in attendance for each event. At least one of the business owners or staff members will be present during business hours. The highest occupancy is predicted to be during periods of warm weather.
- Sanitary Facilities – The property owners intend to use two existing bathrooms within the dwelling, with the possible addition of a third bathroom within the dwelling, for Rural Retail Tourism purposes. *More information on this topic can be found in the REVIEW PROCESS section and recommended conditions of approval.*
- Parking – Parking will be available on the driveway with overflow parking in the front pasture (refer to attached site plan). The written narrative explains that most visitors will be dropped off or arrive in groups being that events are family focused. The property owners estimate that there are approximately 16 - 9' x 18' parking spaces available, including three spaces in front of the dwelling and attached garage, six spaces near the front yard driveway border, three spaces on the north side of the turn-around, and four spaces on the east side of the turn-around. And, as previously mentioned, there will be overflow parking in the front pasture.
- Lighting – Both the dwelling and the pole building have exterior lighting at their entrances.
- Sound – The property owners are proposing mandatory quiet hours from 9:00 pm to 7:00 am. While the property owners have stated that sound amplification will be rare, they suggest that it may be used during business hours from time to time for larger groups.
- Event Locations – Events are proposed both indoors and outdoors. When indoors, events could take place within the living room, kitchen, dining room, or basement. When outdoors, events could take place on the front porch or in the backyard, pole barn, garden, front yard, woods, or pasture.
- Pets / Animals – Aside from service animals, pre-approved special guests and, presumably, pets belonging to the property owners, pets will not be allowed on the property.
- Future Expansion – The property owners do not have any plans to add permanent structures specifically dedicated to Rural Retail Tourism activities.
- Emergencies – The written narrative provides lengthy detail about mitigation actions, preparedness planning and training, response and recovery actions.

The written narrative suggests that there may be staff members in addition to the business owners but there is no specific detail about the number of proposed staff members. Staff has included a recommended condition of approval which limits the number of employees on-site at any given time to two. This condition is not intended to prohibit the business owners / permit holder from having more than two employees but, rather, to limit the number of employees on-site.

REVIEW PROCESS

The Technical Review Committee met with Janine Schifsky on August 9, 2023.

- The Building Official spoke about occupancy ratings for the pole building, explaining that the structure is currently rated for up to 36 people and up to 120 people if a sprinkler system is installed.
- The Sanitarian spoke about possible use of the existing septic system / bathrooms within the dwelling for Rural Retail Tourism activities, explaining that it may be possible if the property owners installed an event counter for monitoring and utilized at least one porta potty. Ultimately, the Sanitarian recommended that the existing septic system / bathrooms within the dwelling not be allowed for Rural Retail Tourism activities and that the property owners instead utilize porta potties. There is no requirement on the exact number of porta potties.

The Amador Town Board reviewed the proposed CUP at its August 15, 2023 meeting and recommended approval. The notations on the township form are not entirely clear (“Parking, access for emergency vehicles, less number of occupants on site”), but staff interprets them to mean that the CUP is recommended for approval with the conditions that sufficient on-site parking is provided for customers / visitors and sufficient access is provided for emergency vehicles. Based on the Town Board’s notations, staff has included recommended conditions of approval consistent with past approvals.

The application was submitted on July 31, 2023 and deemed complete on August 3, 2023. The State mandated 60-day review period expires on October 2, 2023.

RURAL RETAIL TOURISM STANDARDS

The Planning Commission, as outlined in Zoning Ordinance Section 4.15, shall consider possible effects of the proposed Rural Retail Tourism based upon the following general factors and any other requirements set forth in the Zoning Ordinance or deemed otherwise relevant.

A. Purpose.

In accordance with the stated goals of the Chisago County Comprehensive Development Plan, it is the purpose of this subdivision to:

- Preserve and celebrate Chisago County’s archaeological properties, rural and agricultural heritage, and historical landscapes;
- To recognize Chisago County’s scenic features, exceptional rural ambience, historic sites as desirable local amenities which will draw outside revenue from visitors, that is vital to the local economy.
- Enhance Chisago County’s appeal to visitors who are drawn to its rural atmosphere;
- Provide opportunities for new economic growth through Rural Retail Tourism businesses;
- Assist the County’s citizens in the transition from primarily agricultural land uses, to an expanded variety of rural business opportunities as active family farming continues to diminish in Chisago County.

B. Standards.

Rural Retail Tourism Businesses shall meet the following standards:

1. Rural Retail Tourism businesses shall be located within the AG or RVC Zoning Districts;
2. Rural Retail Tourism businesses shall require a Conditional Use Permit in accordance with Section 8.04 of this Ordinance;
3. Rural Retail Tourism businesses shall be shown to have a unique and demonstrable relationship with Chisago County or its region, and its history, culture, traditions, arts, crafts, lore, natural

resources, or other features and amenities, in accordance with the above stated purposes.

C. Allowed Uses.

Allowed Rural Retail Tourism businesses shall include things as farm or other historical heritage attractions, single family residential rental properties for retreats, crafting, weddings, receptions, bed & breakfasts; small-scale, low impact special events or music festivals, corn mazes, holiday celebrations and harvest festivals, country-craft/antique shops, unique local venues providing for the sale and serving of locally produced raw and/or value-added agricultural products, goods and services, and other reasonably related merchandise, and other uses determined by the Department to be similar in nature and scope.

D. The terms “small-scale” and “low-impact” shall be construed to refer to land uses which:

1. Do not create an excessive demand upon existing services or amenities;
2. Are screened or able to be screened adequately, or are sufficiently separated from adjacent development or land, to prevent undue negative impact to nearby properties;
3. Will not have an appearance that is inconsistent or incompatible with the surrounding area;
4. Will not cause traffic hazard or undue congestion;
5. Will not negatively impact the neighborhood by intrusion of noise, glare, odor, or other adverse effects.

Applications which are determined to be unable to meet the above criteria may be processed as a major commercial conditional use, provided the use is allowed in the relevant Zoning District.

E. All conditional uses for Rural Retail Tourism shall meet the applicable requirements of Section 8.

F. Code Compliance.

An existing structure or SSTS which is subjected to a change in occupancy or GPD loading as a result of an approved CUP for a Rural Retail Tourism business shall be retrofitted and/or upgraded to conform to current code requirements. All existing buildings proposed for use in association with the business shall be certified by an architect or engineer to be in compliance with current structural standards for the new occupancy prior to any use of the structure.

FINDINGS OF FACT

Zoning Ordinance Section 8.04 (Conditional Use Permits) C. states that the Planning Commission shall consider possible effects of the proposed conditional use based upon, but not limited to, the general factors listed below. Staff has provided proposed findings, shown in *italics* below, for the Commission’s consideration.

Factor #1 The [proposed action is consistent with the] Comprehensive Plan and development policies of the County;

Finding #1 *The proposed CUP is consistent with the Chisago County Comprehensive Plan and development policies. The Comprehensive Plan provides several references to the County’s intention to continue to allow and be supportive of the proposed land use:*

- *To identify and protect the quality of visitor’s experience of prime scenic features, areas of exceptional rural ambience, important historic sites and their surrounding settings and prime areas of flora study and wildlife viewing and public opens spaces to low-impact recreation (p 2-43)*

- *To promote farm, commercial recreation, and rural retail tourism businesses as a method to bring dollars into the Chisago County economy (p 5-18)*
- *To promote natural amenities in the County as assets to economic development and business opportunity (p 6-22)*
- *To acknowledge tourism's economic value and the contribution of this industry to both the diversity of the County economic base and the potential for growth (p 6-22)*
- *To promote tourism and commercial recreation as expanding opportunities for employment and tax base (p 6-22)*

Factor #2	The proposed use will not create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area;
Finding #2	<i>The proposed use will utilize self-contained sanitary facilities, private utilities, and off-street parking for visitors, and access to the subject site will be gained from well-established Township Roads (Quinlan Avenue and 373rd Street). Further, the proposed use will have no impact on schools or other public facilities or utilities. Therefore, the County finds that the proposed Rural Retail Tourism use will not create an excessive demand on existing parks, schools or utilities which serve the subject site.</i>
Factor #3	The proposed use will be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development does not suffer undue negative impact and there will be no significant deterrence to future development;
Finding #3	<i>While the subject site is located within a residential subdivision, the subject site is more than 10 acres in size and is heavily forested. In fact, aerial imagery shows that there is heavy forestation between all areas and structures proposed for Rural Retail Tourism activities and neighboring structures to the north and west; properties to the south and east are used for agricultural purposes and have not been developed with dwellings. Further, the two neighboring dwellings to the north and west are situated approximately 140' and 340' respectively from the shared property boundaries. Therefore, the County finds that the proposed use is sufficiently separated by natural vegetative screening and distance from adjacent properties so as to not cause undue negative impact or deter future development.</i>
Factor #4	The proposed use and site will have an appearance that will not have an adverse effect upon adjacent properties;
Finding #4	<i>The proposed Rural Retail Tourism activities will take place within existing structures and outdoors through use of the garden(s), front yard, woods and pasture(s). The existing structures are well-maintained and the County has no evidence to suggest that they have an appearance which would cause adverse effects upon adjacent properties. Further, all indoor and outdoor activities will be well screened by heavy forestation and distance. Therefore, the County finds that the appearance of the proposed use will not have an adverse impact on adjacent properties.</i>
Factor #5	The proposed use, in the opinion of the County, is reasonably related to the overall land use goals of the County and to the existing land use;
Finding #5	<i>The County finds that the Chisago County Zoning Ordinance identifies Rural Retail Tourism as an allowable Conditional Use in the AG District. In addition, Sections 4.15 of the Chisago County Zoning Ordinance encourages the development of Rural Retail Tourism with the following specific goals:</i>

- *Preserve and celebrate Chisago County's archaeological properties, rural and agricultural heritage, and historical landscapes.*
- *To recognize Chisago County's scenic features, exceptional rural ambience, historic sites as desirable local amenities which will draw outside revenue from visitors, that is vital to the local economy.*
- *Enhance Chisago County's appeal to visitors who are drawn to its rural atmosphere.*
- *Provide opportunities for new economic growth through Rural Retail Tourism businesses.*
- *Assist the County's citizens in the transition from primarily agricultural land uses to an expanded variety of rural business opportunities as active family farming continues to diminish in Chisago County.*

Factor #6 The proposed use is consistent with the purposes of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use;

Finding #6 *See Finding #5.*

Factor #7 The proposed use will not cause traffic hazard or congestion; and
Finding #7 *The subject site is located adjacent to a Township Road system (Quinlan Avenue and 373rd Street) within a relatively small residential subdivision featuring a total of six private properties, including the subject site. The application materials describe events with as little as one visitor and as many as 80 visitors, with larger groups carpooling as the events will be family focused. The Amador Town Board – being the Road Authority – did identify the recommended need for sufficient on-site parking and sufficient access for emergency vehicles but did not identify any concerns specifically relating to traffic hazards or congestion. Therefore, the County finds no evidence to suggest that the proposed use will cause traffic hazards or congestion.*

Factor #8 The proposed use will not adversely impact existing nearby properties by intrusion of noise, glare or general unsightliness.

Finding #8 *The proposed Rural Retail Tourism activities will take place within existing structures and outdoors through use of the garden(s), front yard, woods and pasture(s). The County finds no evidence to suggest that the proposed use will cause any glare or general unsightliness which would impact nearby properties; however, based on the anticipated number of visitors being as many as 80 and the proposed occasional use of amplified sound, the County finds that noise may be a potential adverse impact to nearby properties. However, the County further finds that the buffer of existing heavy forestation and distance and the proposed implementation of mandatory daily quiet hours of 9:00 pm to 7:00 am will sufficiently mitigate any potential adverse impacts of noise.*

STAFF RECOMMENDATION

Staff believes that the proposed Rural Retail Tourism use complies with and is consistent with the intent of the Chisago County Zoning Ordinance and Comprehensive Plan. Barring any new or unknown evidence of compliance discovered after the completion of this report or during the course of the public hearing, **staff recommends approval** of the CUP with conditions (see below) and has prepared a resolution for the Commission's consideration.

Recommended Condition(s):

1. This Conditional Use Permit for Rural Retail Tourism allows for the operation of a gathering venue with events focused on homesteading and mentoring / tutoring sessions. Events and activities may include mentoring / tutoring sessions, coaching services, sale of locally produced goods and agricultural products, tours, photo sessions, and other types of events and activities specifically described in the application materials dated received July 31, 2023 and kept on file with the Department of Environmental Services and in accordance with the conditions contained herein. Any significant deviation or expansion, as determined by Chisago County Department of Environmental Services staff, shall require further review by the Planning Commission and approval by the County Board of Commissioners.
2. Activities may take place within existing structures, including the dwelling and pole building located immediately north of the dwelling, as well as outdoors. Use of the existing structures for Rural Retail Tourism purposes is conditioned on the structures being compliant with the State Building Code and subject to occupancy limits as established by the State Building Code.
3. The existing pole building located immediately north of the dwelling is rated for a maximum occupancy of 36 people being that it does not have a sprinkler system. The permit holder shall adhere to State Building Code occupancy limits and not allow more than 36 people within the structure at any given time.
4. This Conditional Use Permit allows use of the property for Rural Retail Tourism purposes seven days a week year-round and subject to the following hours of operation. Rural Retail Tourism activities may not occur earlier or later than the listed hours of operation.
 - Monday – Friday – 9:00 am to 7:00 pm
 - Saturday – 9:00 am to 5:00 pm
 - Sunday – 12:00 pm to 3:00 pm
5. The permit holder shall implement mandatory daily quiet hours of 9:00 pm to 7:00 am.
6. The maximum number of customers / visitors at any given time shall be no more than 80.
7. The maximum number of employees – in addition to the permit holder – on-site at any given time is two (2). This condition is not intended to prohibit the permit holder from having more than two (2) employees but, rather, to limit the number of employees on-site.
8. The maximum number of organized events each month shall be seven (7).
9. Aside from service animals, pre-approved special guests, and pets / animals belonging to the permit holder, no additional pets / animals shall be allowed on the property.
10. Noise generated from the approved Rural Retail Tourism use shall be subject to the Chisago County noise standards. No undue or objectionable noise resulting from said uses shall be transmitted beyond the subject site's property boundaries.
11. There shall be no outdoor amplified music at any time.
12. The permit holder shall accommodate all customer / visitor parking on-site. No customer / visitor parking shall be allowed on 373rd Street or Quinlan Avenue.
13. The permit holder shall ensure adequate year-round access and parking for emergency vehicles on-site, including space to maneuver/turn vehicles. If emergency vehicles are damaged due to lack of maneuverable space and/or adequate driveway width/height, the permit holder will be held

responsible for emergency vehicle repairs pursuant to the adopted policies and directions of Amador Township and/or the Almelund Fire Chief / Department.

14. Any signage shall be installed in accordance with the Chisago County Zoning Ordinance.
15. The permit holder shall provide porta potties for customer / visitor use. No Rural Retail Tourism activities shall utilize bathroom facilities within the dwelling unless specifically authorized by the Department of Environmental Services.
16. The property and uses thereon are subject to all applicable local and State codes, including Zoning, Building and Septic Codes.
17. Annual certification of the Conditional Use Permit is required. The permit holder shall notify the County annually that the activity permitted by the Conditional Use Permit is ongoing and the activities being conducted continue to adhere to the conditions of approval. Failure to maintain certification may be a basis to revoke the Conditional Use Permit. The property shall be made open and available for regular inspection at any time during reasonable hours by the Chisago County Department of Environmental Services and/or any duly authorized law enforcement agency.

OPTIONS

1. Recommend that the County Board **approve** the Conditional Use Permit with Findings of Fact and conditions presented or amended.
2. Should the Planning Commission determine that the proposed Conditional Use Permit does not comply with and/or is not consistent with the intent of County's Zoning Ordinance or Comprehensive Plan upon completion of the public hearing and/or upon discovery of any new or unknown evidence, recommend that the County Board **deny** the Conditional Use Permit based on factors deemed appropriate. *(Note: The Commission will need to include specific factor(s) for denial in its motion.)*
3. **Table** the request to allow for submission of additional supporting documentation and/or further review and consideration. If tabling the request, the Commission should also include in its motion a **60-day extension** of the review period.

ACTION REQUESTED

Motion to adopt Resolution No. PC2023-0902, a resolution recommending approval of a Conditional Use Permit allowing Rural Retail Tourism on property located at 16559 373rd Street in Amador Township, with Findings of Fact and conditions as presented or amended.

ATTACHMENTS

1. Application materials:
 - a. Application
 - b. Combined written narrative and site plan
2. Aerial location map (1) – subject property
3. Aerial location map (2) – vicinity map
4. Draft Resolution No. PC2023-0902

CC: Janine & Allen Schifsky, property owners
County file



Chisago County Department of Environmental Services Planning & Zoning Application

Permit # 23-1308

Township Amador S/T/R 30-35-19 PID# 01.00153.55

Project Address 16559 373rd Street TAYLORS FALLS, MN 55084

Property Owner(s) Janine Schifsky, Allen Schifsky

Mailing Address (If Different from Project Address) _____

Phone# [REDACTED] Email [REDACTED]

Applicant(s) Janine Schifsky

Mailing Address (If Different from Project Address) _____

Phone# _____ Email _____

Type of Request (Check All That Apply)

Board of Adjustment & Appeals

- ☐ Variance
☐ Administrative Appeal

Planning Commission

- ☒ Conditional Use Permit (CUP)
☐ Interim Use Permit (IUP)
☐ Amendment to CUP or IUP

- ☐ Preliminary Plat
☐ Rezoning
☐ Ordinance Amendment

Description of Request (Attach Separate Sheet if Necessary) see attached

Required Attachments (Additional Attachments May Be Required Based On The Specific Request)

- ☐ Full Legal Description ☒ Detailed Site Plan ☒ Detailed Written Narrative ☐ Plat Drawings

[Signature]
Applicant Signature

7-31-2023
Date of Application

I hereby certify that the above information is true and correct to the best of my knowledge, and that any knowingly false representations may invalidate any approvals. With my signature, I also grant permission to Chisago County Officials to enter upon the subject property for the purpose of such inspections as may be necessary.

Fees		Dates	
Base Fee	\$ <u>525</u>	Application Received	<u>7-31-23</u>
Recording Fee	\$ <u>46</u>	Application Complete	<u>8-3-23</u>
Plat Fee - No Road(s) / With Road(s)	\$ <u> </u>	☒ 60 / 120 Day Review Period	<u>10-2-23</u>
Septic Compliance Fee	\$ <u>200</u>	Extended Review Period	_____
Wetland Fee	\$ <u> </u>		
TOTAL FEE	\$ <u>771</u>		



Chisago County Department of Environmental Services
Planning & Zoning Application

Township Presentation Form

Township Amador S/T/R 30-35-19 PID# 01.00153.55

Project Address 11559 373rd Street

Property Owner(s) Janine Schifsky, Allen Schifsky

Mailing Address (If Different from Project Address) _____

Phone# _____ Email _____

Applicant(s) Janine Schifsky

Mailing Address (If Different from Project Address) _____

Phone# _____ Email _____

Type of Request (Check All That Apply)

Board of Adjustment & Appeals

☐ Variance

☐ Administrative Appeal

Planning Commission

☒ Conditional Use Permit (CUP)

☐ Interim Use Permit (IUP)

☐ Amendment to CUP or IUP

☐ Preliminary Plat

☐ Rezoning

☐ Ordinance Amendment

Description of Request (Attach Separate Sheet if Necessary) see attached

[Signature]
Applicant Signature

7-31-2023

Date of Application

I hereby certify that the above information is true and correct to the best of my knowledge, and that any knowingly false representations may invalidate any approvals. With my signature, I also grant permission to Chisago County Officials to enter upon the subject property for the purpose of such inspections as may be necessary.

Date of County Public Hearing SEPT 7, 2023 Date of Township Presentation AUG 15, 2023

Township Action Taken (Township Use Only)

☒ Recommendation of Approval

☐ Recommendation of Denial

Recommended Conditions of Approval OR Legal Findings for Recommendation of Denial

PARKING, ACCESS FOR EMERGENCY VEHICLES, NUMBER OF LESS OCCUPANTS ON SITE

Signatures of Township Officials or Authorized Personnel

[Signature] GEOFF FISK Peter [Signature]



WILD COUNTRY ACRES

Detailed Written Narrative - Conditional Use Permit Application

16559 373rd Street
Amador Township, MN 55084

Dear Commissioners, Council and Community,

Thank you for considering my request for a conditional use approval of approximately 11 acres at 16559 373rd Street, for Rural Retail Tourism. The intended use for the approval is for Wild Country Acres LLC, an educational farm.

Wild Country Acres LLC is an educational farm that focuses on providing mentoring/tutoring, information and consulting services that are delivered by a multitude of methods and platforms including in-person and digitally.

Wild Country Acres LLC's ideal customers are families with children that desire and have passion for education, general life skills, gardening, raising animals, growing and preserving food or maybe just the raw desire to live a simple life. We predict to have between 3-7 Events per month with between 1-80 people in attendance.

Wild Country Acres LLC desires to fill a gap in the local community – resources, encouragement, and accessibility to any family/individual who wishes to be more involved in their child's(rens) home education **and or** learn about valuable skills that involve a family farm/homestead. Our desire is not only to focus on home educated families but to the community as a whole, we want to remove the “us vs them” mentality and come together to further our education, curiosity, passions and future. We believe that an educational farm should be about community, from the community for the community.

Products and Services

Wild Country Acres LLC flagship services are events focused on homesteading and mentoring/tutoring sessions in an “in-home” environment, We also utilize virtual access via vlog/blog/website and various social media platforms.

Products and services include/will include:

- **Supplemental in-home mentoring/tutoring sessions** based on Charlotte Mason Principles. Our desire and passion is to provide “Living Education”. Living education is the opposite of standard textbook style classic education. These sessions are designed to be guided by mentors that are passionate about what they teach and who they teach, they



provide a personal and passionate learning environment to produce curiosity for real life skills and plant the seeds for the students real life application. Age brackets and types of sessions could include:

- Middle School, High School & Young Adults Events (Week day sessions focusing on the homeschool communities & needs):
 - Life, Home & Trade Sciences
 - Professional & Career Skills
 - Literature/World View/Government
 - Agricultural Skills
 - Other Subjects as requested
 - Social Events - Game Nights/ Track & Field Day, etc.
- Pre-school & Elementary Aged Children Events (Week day sessions focusing on the home schooled communities & needs):
 - Fine Arts
 - Music & Dance
 - Crafts
 - Literacy
 - Performing
 - Sciences
 - Nature, Animal and Agricultural Studies
- **Family style Homesteading Skills Experiences** - Types of events could include:
 - Demonstrations and events are focused on homesteading/agricultural skills and passions you will find primarily revolve around food, how we grow, maintain, harvest and cook with the food we grow on the farm. Examples are:
 - Raising Meat/Dairy Livestock
 - Butchering Family Livestock and Wild Game
 - Gardening
 - Canning & Preserving
 - Baking/Cooking

- Raising Bees
- The sale of cottage law classified products (Current Permit # 20247051)
 - Goat's milk and bi-product; soap, lotions, cheese, yogurt
 - Locally and naturally flavored simple syrups including maple syrup
 - Home canned sauces, jams and jellies
 - Home canned pickles
 - Herbs, teas and tinctures
 - Fresh produce
 - Home baked products such as breads, rolls, cookies, biscuits, etc.
 - Honey
- Pasture raised chicken
- Pasture raised beef
- Pasture raised pork
- Cage Free Pasture raised eggs
- Hatched Chicks & Chickens
- Goats
- Rabbits
- Feeder-pigs
- Location for tours/Photo Sessions
 - Garden
 - Wooded Area
 - General Farm Areas & Pastures/fencing
- Homesteading Consulting and Coaching Services
- Family Art Prints

- Homemade Bath Products
- Eggs for hatching
- Pet Treats

Logistics

Hours of Operation:

Year Round: January - December - Event Schedule will vary depending on demand and personal schedule. As stated above we predict to have between 3-7 Events per month with between 1-80 people in attendance.

- Monday: Open 9am-7pm
- Tuesday: Open 9am-7pm
- Wednesday: Open 9am-7pm
- Thursday: Open 9am-7pm
- Friday: Open 9am-7pm
- Saturday: Open 9am-5pm
- Sunday: Open 12pm-3pm

Number of Visitors:

- Wild Country Acres LLC maximum occupancy is typically between 1-80 people. One owner of Wild Country Acres LLC or staff member will be on the property during business hours. Additionally independent contractors may be on the property during business hours. Capacity has been estimated by 5 per 100 sq feet. Currently the total is ~85 people at maximum capacity but does NOT include any outdoor space in the yard, woods, pasture, driveway barn or garden.

Frequency of Visitors:

- Wild Country Acres LLC will be open all however the highest occupancy is predicted to be during warmer weather time periods. Our hours of operation are as follows, however as stated above we predict to have between 3-7 Events per month with between 1-80 people in attendance. Events can be as short as 1-2 hours or as long as 8+ hours depending on subject matter and event type/focus.

Sanitation:

- There are 2 bathrooms available on the property (3 in total - one to remain private), as well as an additional hand washing station at the kitchen sink, which brings our sanitation capacity to 100. An additional bathroom can be updated/added in the basement in the future to bring the total available bathrooms to 3 (sanitation capacity to 150), and handwashing stations to 4.

Accessibility:

- If needed Wild Country Acres LLC will ensure a wheelchair accessible parking and entrance to the home (via a ramp) is available, we also have available sanitation options on the main level of the home for those finding using stairs not an option.

Parking:

- Parking will be available on our driveway as well as temporary overflow parking in the front pasture. Most of our visitors will be dropped off or come in groups as events are very family focused. There are roughly 16 9' x 18' parking spaces available, not including overflow parking in the pasture. There are 3 parking spaces in front of the home and garage, 6 spaces near the front yard driveway border, 3 on the north side of the turn around, 4 on the east side of the turn around.

Lighting:

- Sufficient outdoor lighting is located at each exit of both the house structure as well as the barn entrances.

Meals:

- For Supplemental in-home mentoring/tutoring sessions - meals are not provided. Each person is required to bring their own lunch, snack and water bottle. Some snacks and event demonstrations will include food.

Sound:

- If events non-typically run past closing hours for special occasions, quiet hours are mandatory outdoors from 9pm to 7am each day. Amplification using a microphone during non-quiet hours will not be a common practice but may be necessary from time to time for larger groups.

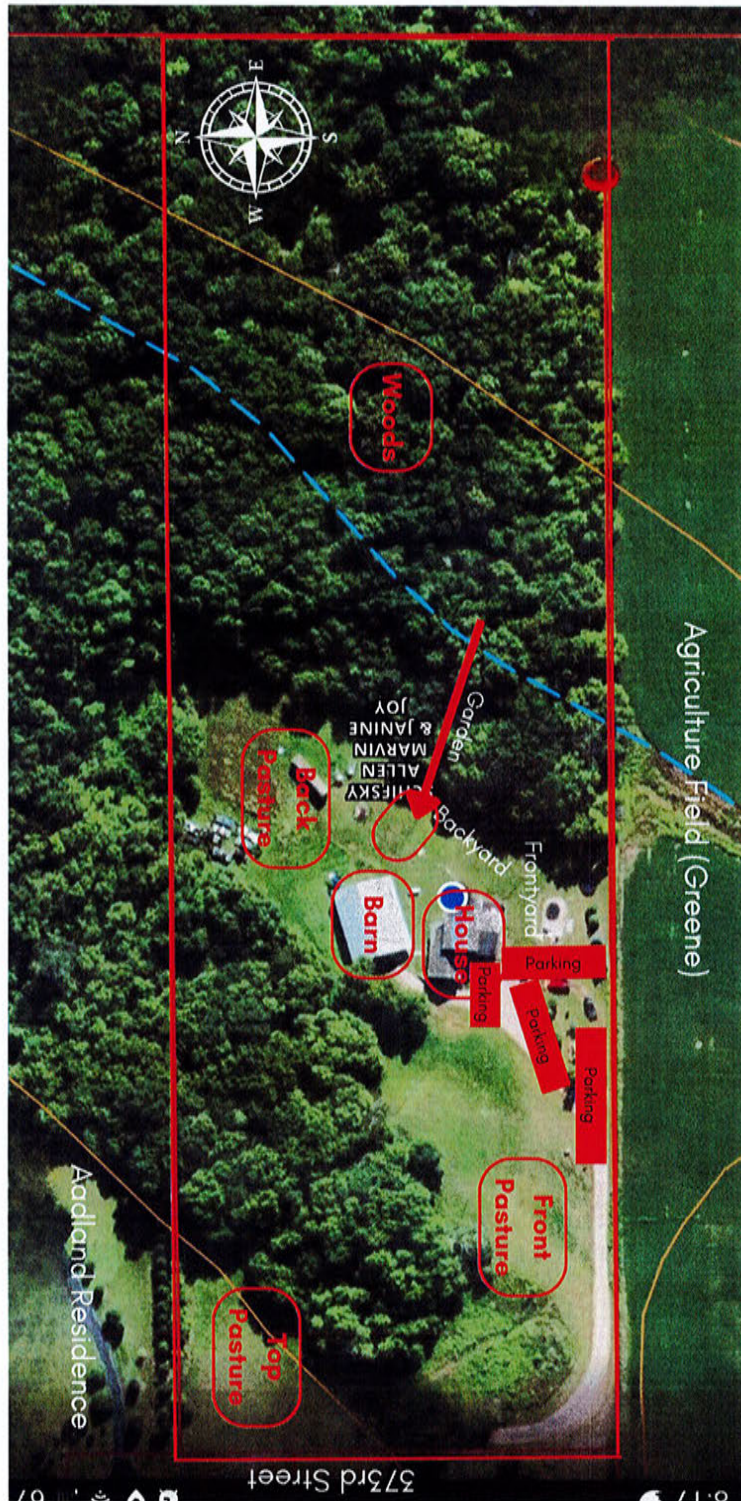


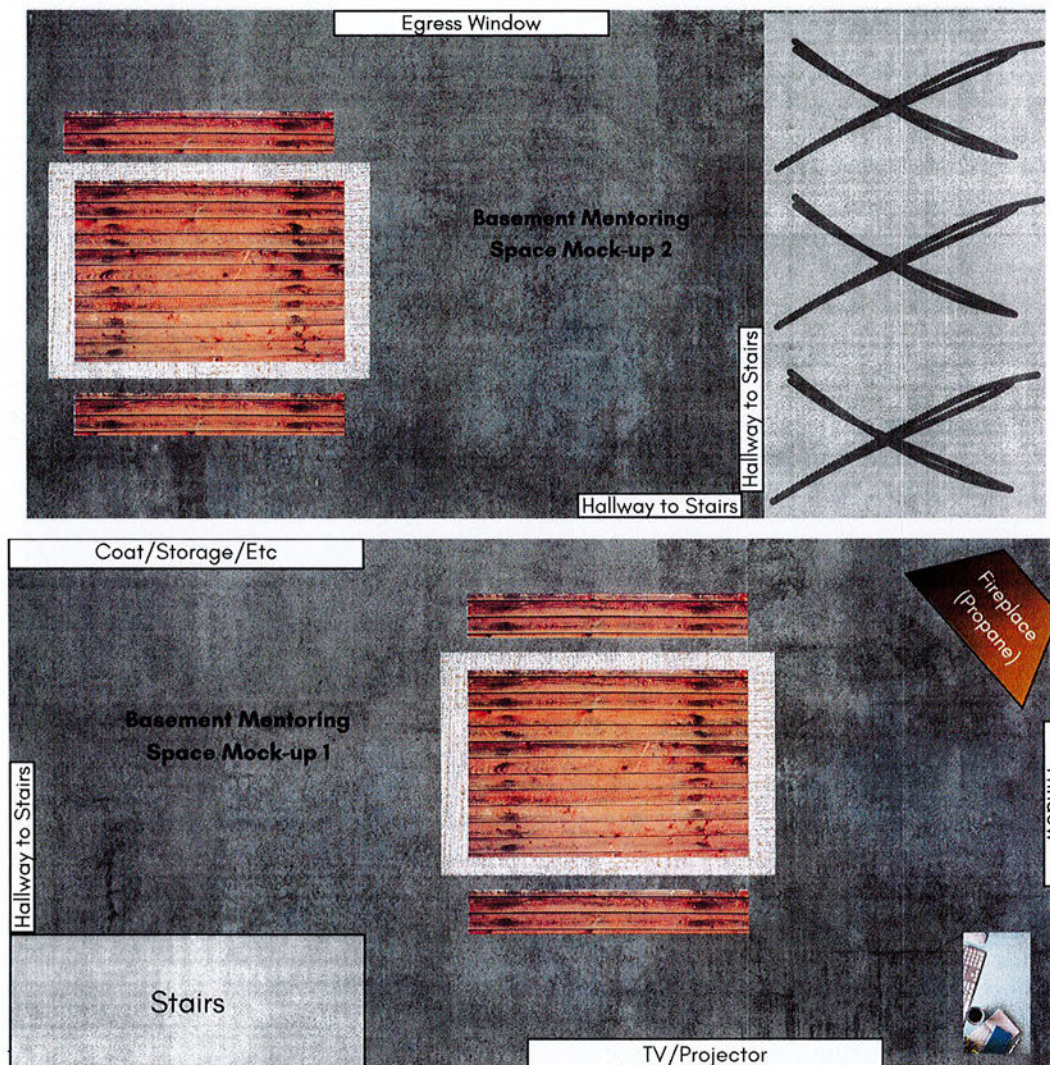
WILD COUNTRY ACRES

Event Location:

- Event location can vary depending on subject matter and season, possible locations are:
 - Outdoors:
 - Front Porch
 - Backyard
 - Pole Barn
 - Garden
 - Frontyard
 - Woods
 - Pasture
 - Inside House:
 - Living Room
 - Kitchen
 - Dining Room
 - Basement

Site Plans:





Pets:

- Pets will not be allowed on the property, barring service animals or pre-approved special guests.

Future Expansion:

- At this time we have no intention of adding permanent business structures to the 11 acres.



Emergencies:

As stated on the Chisago County Emergency management website emergency management encompasses 4 phases:

- Mitigation - actions taken to prevent disasters and emergencies or lessen effects of unavoidable disasters and emergencies.
 - Children 5 years old and younger must have a parent or guardian accompanying them at all times
 - Any Child under the age of 18 will be under adult supervision at all times
 - Safety signs have been posted for all unrestricted Areas
 - Common and Confidential First Knowledge to at least one adult on the premise
 - Event cancellations due to weather will follow Chisago Lakes School District/North Branch School District school cancellations or recommendations from local weather stations.
 - Posted and or verbally communicated Onsite rules
 - Posted Sign for 604A.40 AGRITOURISM; IMMUNITY FROM LIABILITY
 - Commitment & Liability Agreement for all Supplemental in-home mentoring/tutoring sessions
 - Open Door Policy
 - Background checks are completed on each staff or independent contractor (source TBD)
- Preparedness - planning and training for potential disasters and emergencies.
 - Emergency weather shelter location and map
 - Health and Safety Protocols communicated and or posted in common areas
 - General First Aid Kit on premise
 - Requested Allergy and Medical notification in writing to Wild Country Acres staff or contractor for each child not being accompanied by their parent/guardian.
 - General cleanliness and upkeep of the Wild Country Acres Property to ensure a safe and healthy environment
 - Insurance coverage will be finalized upon approval for General Liability, Personal Liability as well as an Umbrella policy for our residence. We assure coverage for the proposed.
- Response & Recover - includes all those actions taken to lessen the impact of an actual emergency.
 - Missing Child, Emergency-Response, Quick Reference Guide for Families Posted in Common Area, actions taken to return communities and their citizenry to their pre-disaster state.



WILD COUNTRY ACRES

- General knowledge of the use of dialing 911 from any cell phone
- Local First Responders and Fire Department is 1.5 miles from 16559 373rd street
- General First Aid Kit Available on premise
- Fire Extinguishers are located within 50 feet of wherever more than 5 gallons of flammable or combustible liquids or 5 pounds of flammable gas are being used on the jobsite.

Thank you for your consideration.

Regards,

Janine Schifsky

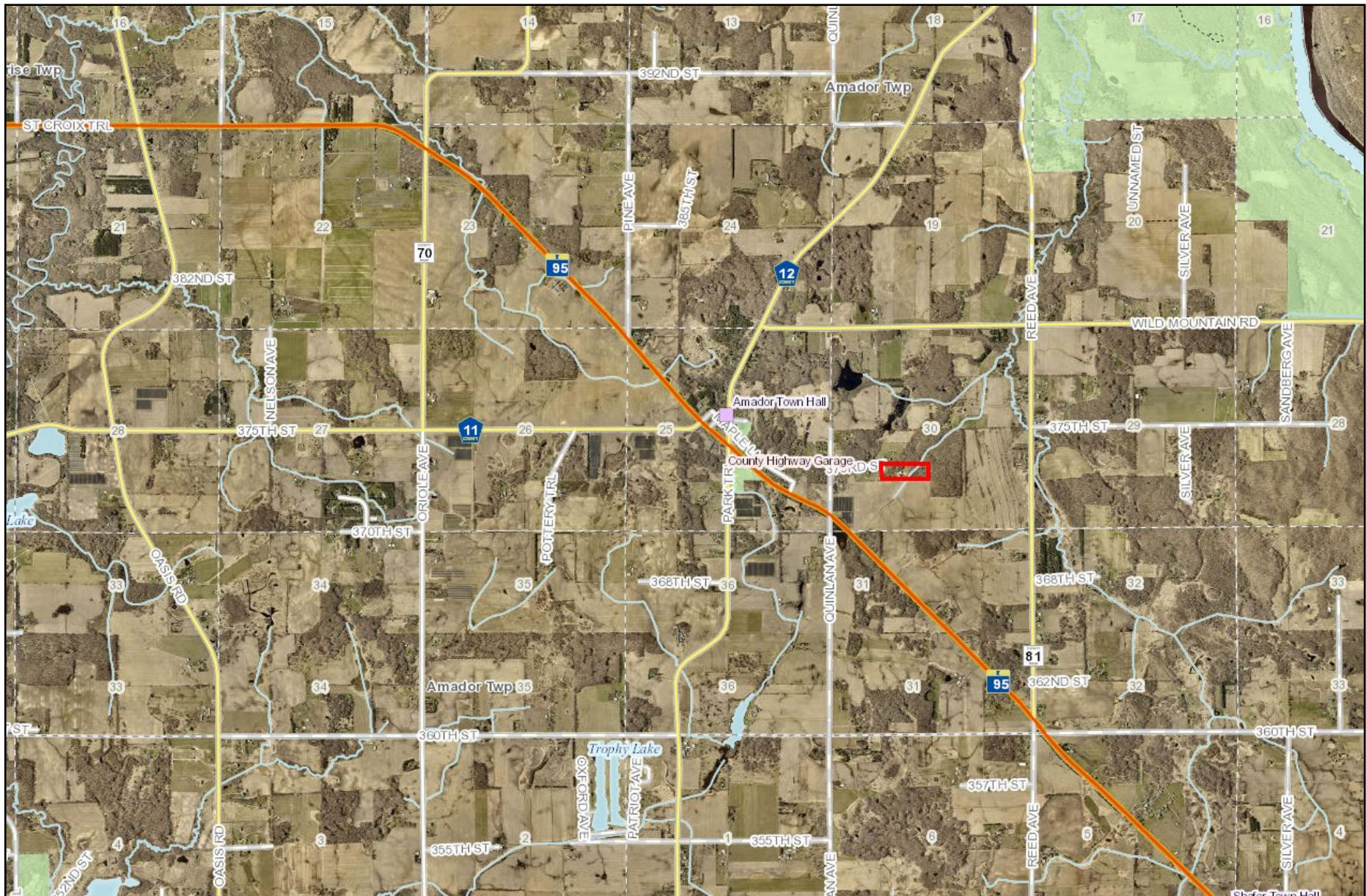
Janine & Allen Schifsky – Property owners Janine & Allen Schifsky are requesting a Conditional Use Permit (CUP) for Rural Retail Tourism in the Agricultural (AG) District. Proposed Rural Retail Tourism activities will include, but may not be limited to, mentoring / tutoring sessions, coaching services, sale of locally produced goods and agricultural products, tours and photo sessions, with activity taking place both within existing structures as well as outdoors. The 10.62± acre subject site is located at 16559 373rd Street in Amador Township, S30, T35, R19 (PID 01.00153.55).

Schifsky Property -



Janine & Allen Schifsky – Property owners Janine & Allen Schifsky are requesting a Conditional Use Permit (CUP) for Rural Retail Tourism in the Agricultural (AG) District. Proposed Rural Retail Tourism activities will include, but may not be limited to, mentoring / tutoring sessions, coaching services, sale of locally produced goods and agricultural products, tours and photo sessions, with activity taking place both within existing structures as well as outdoors. The 10.62± acre subject site is located at 16559 373rd Street in Amador Township, S30, T35, R19 (PID 01.00153.55).

Schifsky Property - 



RESOLUTION NO. PC2023-0902

**A RESOLUTION OF THE PLANNING COMMISSION OF CHISAGO COUNTY, MINNESOTA,
RECOMMENDING APPROVAL OF A CONDITIONAL USE PERMIT ALLOWING RURAL RETAIL TOURISM ON
PROPERTY LOCATED AT 16559 373RD STREET IN AMADOR TOWNSHIP**

WHEREAS, property owners Janine Schifsky & Allen Schifsky submitted an application dated received July 31, 2023 and considered complete on August 3, 2023 for a Conditional Use Permit allowing a Rural Retail Tourism on property located at 16559 373rd Street in Amador Township; and

WHEREAS, the subject site is located in the Agricultural (AG) District; and

WHEREAS, the subject site is 10.62± acres in size and legally described as:

PID 01.00153.55
Lot 6, Block 1, Whitetail Hills, Chisago County, Minnesota

WHEREAS, notice was provided and on September 7, 2023 the Planning Commission conducted a public hearing regarding this application, at which it heard from the Land Services Coordinator, the property owner(s) and/or applicant(s), and invited members of the public to comment; and

WHEREAS, the Planning Commission considered several factors for granting Conditional Use Permits and Conditional Use Permit Amendments and made the following findings per Zoning Ordinance Section 8.04:

- | | |
|------------|--|
| Factor #1 | The [proposed action is consistent with the] Comprehensive Plan and development policies of the County; |
| Finding #1 | <i>The proposed CUP is consistent with the Chisago County Comprehensive Plan and development policies. The Comprehensive Plan provides several references to the County's intention to continue to allow and be supportive of the proposed land use:</i> <ul style="list-style-type: none">• <i>To identify and protect the quality of visitor's experience of prime scenic features, areas of exceptional rural ambience, important historic sites and their surrounding settings and prime areas of flora study and wildlife viewing and public opens spaces to low-impact recreation (p 2-43)</i>• <i>To promote farm, commercial recreation, and rural retail tourism businesses as a method to bring dollars into the Chisago County economy (p 5-18)</i>• <i>To promote natural amenities in the County as assets to economic development and business opportunity (p 6-22)</i>• <i>To acknowledge tourism's economic value and the contribution of this industry to both the diversity of the County economic base and the potential for growth (p 6-22)</i>• <i>To promote tourism and commercial recreation as expanding opportunities for employment and tax base (p 6-22)</i> |
| Factor #2 | The proposed use will not create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area; |
| Finding #2 | <i>The proposed use will utilize self-contained sanitary facilities, private utilities, and off-street parking for visitors, and access to the subject site will be gained from well-established Township Roads (Quinlan Avenue and 373rd Street). Further, the proposed use will have no impact on schools or other public facilities or utilities. Therefore, the County finds that the</i> |

proposed Rural Retail Tourism use will not create an excessive demand on existing parks, schools or utilities which serve the subject site.

- Factor #3 The proposed use will be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development does not suffer undue negative impact and there will be no significant deterrence to future development;
- Finding #3 *While the subject site is located within a residential subdivision, the subject site is more than 10 acres in size and is heavily forested. In fact, aerial imagery shows that there is heavy forestation between all areas and structures proposed for Rural Retail Tourism activities and neighboring structures to the north and west; properties to the south and east are used for agricultural purposes and have not been developed with dwellings. Further, the two neighboring dwellings to the north and west are situated approximately 140' and 340' respectively from the shared property boundaries. Therefore, the County finds that the proposed use is sufficiently separated by natural vegetative screening and distance from adjacent properties so as to not cause undue negative impact or deter future development.*
- Factor #4 The proposed use and site will have an appearance that will not have an adverse effect upon adjacent properties;
- Finding #4 *The proposed Rural Retail Tourism activities will take place within existing structures and outdoors through use of the garden(s), front yard, woods and pasture(s). The existing structures are well-maintained and the County has no evidence to suggest that they have an appearance which would cause adverse effects upon adjacent properties. Further, all indoor and outdoor activities will be well screened by heavy forestation and distance. Therefore, the County finds that the appearance of the proposed use will not have an adverse impact on adjacent properties.*
- Factor #5 The proposed use, in the opinion of the County, is reasonably related to the overall land use goals of the County and to the existing land use;
- Finding #5 *The County finds that the Chisago County Zoning Ordinance identifies Rural Retail Tourism as an allowable Conditional Use in the AG District. In addition, Sections 4.15 of the Chisago County Zoning Ordinance encourages the development of Rural Retail Tourism with the following specific goals:*
- *Preserve and celebrate Chisago County's archaeological properties, rural and agricultural heritage, and historical landscapes.*
 - *To recognize Chisago County's scenic features, exceptional rural ambience, historic sites as desirable local amenities which will draw outside revenue from visitors, that is vital to the local economy.*
 - *Enhance Chisago County's appeal to visitors who are drawn to its rural atmosphere.*
 - *Provide opportunities for new economic growth through Rural Retail Tourism businesses.*
 - *Assist the County's citizens in the transition from primarily agricultural land uses to an expanded variety of rural business opportunities as active family farming continues to diminish in Chisago County.*
- Factor #6 The proposed use is consistent with the purposes of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use;
- Finding #6 *See Finding #5.*
- Factor #7 The proposed use will not cause traffic hazard or congestion; and

Finding #7 The subject site is located adjacent to a Township Road system (Quinlan Avenue and 373rd Street) within a relatively small residential subdivision featuring a total of six private properties, including the subject site. The application materials describe events with as little as one visitor and as many as 80 visitors, with larger groups carpooling as the events will be family focused. The Amador Town Board – being the Road Authority – did identify the recommended need for sufficient on-site parking and sufficient access for emergency vehicles but did not identify any concerns specifically relating to traffic hazards or congestion. Therefore, the County finds no evidence to suggest that the proposed use will cause traffic hazards or congestion.

Factor #8 The proposed use will not adversely impact existing nearby properties by intrusion of noise, glare or general unsightliness.

Finding #8 The proposed Rural Retail Tourism activities will take place within existing structures and outdoors through use of the garden(s), front yard, woods and pasture(s). The County finds no evidence to suggest that the proposed use will cause any glare or general unsightliness which would impact nearby properties; however, based on the anticipated number of visitors being as many as 80 and the proposed occasional use of amplified sound, the County finds that noise may be a potential adverse impact to nearby properties. However, the County further finds that the buffer of existing heavy forestation and distance and the proposed implementation of mandatory daily quiet hours of 9:00 pm to 7:00 am will sufficiently mitigate any potential adverse impacts of noise.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of Chisago County, Minnesota hereby recommends approval of the request for Conditional Use Permit, subject to the following conditions:

1. This Conditional Use Permit for Rural Retail Tourism allows for the operation of a gathering venue with events focused on homesteading and mentoring / tutoring sessions. Events and activities may include mentoring / tutoring sessions, coaching services, sale of locally produced goods and agricultural products, tours, photo sessions, and other types of events and activities specifically described in the application materials dated received July 31, 2023 and kept on file with the Department of Environmental Services and in accordance with the conditions contained herein. Any significant deviation or expansion, as determined by Chisago County Department of Environmental Services staff, shall require further review by the Planning Commission and approval by the County Board of Commissioners.
2. Activities may take place within existing structures, including the dwelling and pole building located immediately north of the dwelling, as well as outdoors. Use of the existing structures for Rural Retail Tourism purposes is conditioned on the structures being compliant with the State Building Code and subject to occupancy limits as established by the State Building Code.
3. The existing pole building located immediately north of the dwelling is rated for a maximum occupancy of 36 people being that it does not have a sprinkler system. The permit holder shall adhere to State Building Code occupancy limits and not allow more than 36 people within the structure at any given time.
4. This Conditional Use Permit allows use of the property for Rural Retail Tourism purposes seven days a week year-round and subject to the following hours of operation. Rural Retail Tourism activities may not occur earlier or later than the listed hours of operation.
 - Monday – Friday – 9:00 am to 7:00 pm
 - Saturday – 9:00 am to 5:00 pm
 - Sunday – 12:00 pm to 3:00 pm
5. The permit holder shall implement mandatory daily quiet hours of 9:00 pm to 7:00 am.

6. The maximum number of customers / visitors at any given time shall be no more than 80.
7. The maximum number of employees – in addition to the permit holder – on-site at any given time is two (2). This condition is not intended to prohibit the permit holder from having more than two (2) employees but, rather, to limit the number of employees on-site.
8. The maximum number of organized events each month shall be seven (7).
9. Aside from service animals, pre-approved special guests, and pets / animals belonging to the permit holder, no additional pets / animals shall be allowed on the property.
10. Noise generated from the approved Rural Retail Tourism use shall be subject to the Chisago County noise standards. No undue or objectionable noise resulting from said uses shall be transmitted beyond the subject site's property boundaries.
11. There shall be no outdoor amplified music at any time.
12. The permit holder shall accommodate all customer / visitor parking on-site. No customer / visitor parking shall be allowed on 373rd Street or Quinlan Avenue.
13. The permit holder shall ensure adequate year-round access and parking for emergency vehicles on-site, including space to maneuver/turn vehicles. If emergency vehicles are damaged due to lack of maneuverable space and/or adequate driveway width/height, the permit holder will be held responsible for emergency vehicle repairs pursuant to the adopted policies and directions of Amador Township and/or the Almelund Fire Chief / Department.
14. Any signage shall be installed in accordance with the Chisago County Zoning Ordinance.
15. The permit holder shall provide porta potties for customer / visitor use. No Rural Retail Tourism activities shall utilize bathroom facilities within the dwelling unless specifically authorized by the Department of Environmental Services.
16. The property and uses thereon are subject to all applicable local and State codes, including Zoning, Building and Septic Codes.
17. Annual certification of the Conditional Use Permit is required. The permit holder shall notify the County annually that the activity permitted by the Conditional Use Permit is ongoing and the activities being conducted continue to adhere to the conditions of approval. Failure to maintain certification may be a basis to revoke the Conditional Use Permit. The property shall be made open and available for regular inspection at any time during reasonable hours by the Chisago County Department of Environmental Services and/or any duly authorized law enforcement agency.

Adopted by the Planning Commission of Chisago County, Minnesota,
this 7th day of September, 2023.

Chris DuBose _____
Eric Leivian _____
Jim McCarthy _____
John Sutcliffe _____

Dave Whitney _____
Jolene Wille _____
Chip Yeager _____

Chip Yeager
Chair

ATTEST: _____
Beth Gervais
Land Services Coordinator



Staff Report

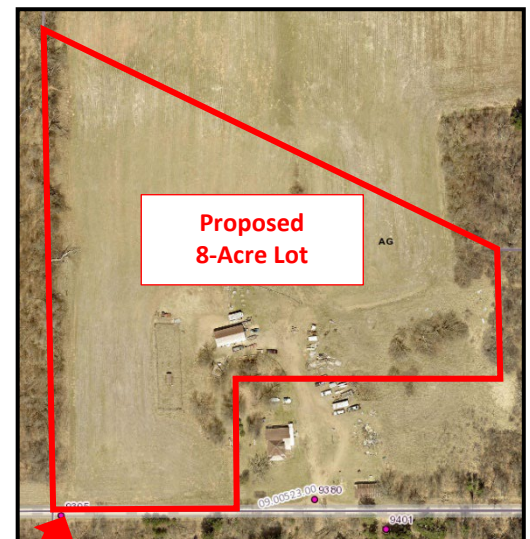
TO: Planning Commission
 FROM: Beth Gervais, Land Services Coordinator
 SUBJECT: Preliminary Plat of Hokanson View
 9xxx 460th Street, Sunrise Township
 DATE: September 7, 2023

ACTION TO CONSIDER

The Planning Commission will conduct a public hearing to consider the Preliminary Plat of Hokanson View, involving the creation of one 8-acre lot from a 198.03± acre tract of land.

SITE & APPLICATION INFORMATION

Property Owner(s): Kelly Hokanson
 Applicant(s): Kelly Hokanson
 General Location: 9xxx 460th Street
 Sunrise Township
 Section 12, Township 36, Range 21
 PID: 09.00523.10
 Property Area: 198.03± Acres
 Current Zoning: Agricultural (AG) District
 Adjacent Zoning:
 North: Agricultural (AG) District
 South: Agricultural (AG) District
 East: Agricultural (AG) District
 West: Agricultural (AG) District
 Date Application Received: August 1, 2023
 Date Application Complete: August 4, 2023
 120-Day Review Period: December 2, 2023

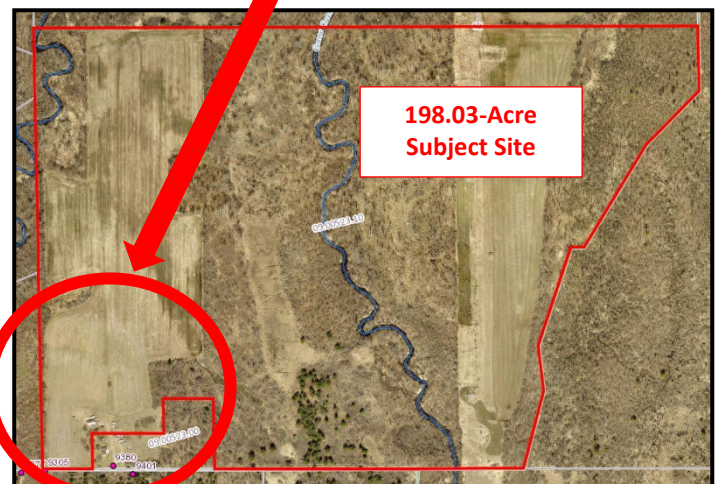


BACKGROUND

Property owner Kelly Hokanson is seeking approval of the Preliminary Plat of Hokanson View. The property owner wishes to create one 8-acre lot from the 198.03± acre tract of land located approximately one-third of a mile east of Government Road / CR 57, approximately 1.1 miles west of the St. Croix River, on the north side of 460th Street in Sunrise Township.

SITE & PROPOSAL ANALYSIS

The 198.03± acre subject site was split from the adjacent 5.01± acre PID 09.00523.00 in November 2021 through the Minor Subdivision



process (PID 09.00523.00 is shown in the southeastern quadrant of the circle in the image above). The proposed 8-acre lot is currently developed with two pre-existing accessory structures and a septic system.

Elevations of the proposed lot vary widely; however, these elevations should not limit further development as there is ample level ground toward the south end of the site (area with existing structures). The proposed lot includes a few areas with mature trees but otherwise appears to be an agricultural field. There are no identified wetland areas. Surrounding properties range widely in size with most parcels to the west ranging from 5 acres to 20 acres and most parcels to the east ranging from 5 acres to 300+ acres. Properties to the west are primarily used for residential and agricultural purposes whereas most properties to the east are State-owned parcels adjacent to the St. Croix River (Wild River State Park).

Staff notes that the proposed plat includes a “66’ future ingress & egress easement” along the western property boundary of the proposed lot. Staff is not presently aware of future development plans for the remaining land (north of proposed lot); however, staff views the act of planning for future ingress and egress to be wise.

The stated purpose of the AG District is to provide areas to be utilized for agriculture and agriculture related uses and low density residential areas. Below is a table which identifies minimum requirements for the AG District with corresponding information for the proposed lot. As proposed, the lot complies with and exceeds the County’s dimensional requirements.

AG District Minimum Requirements	Lot Size 5 acres	Lot Width* 300 feet	Lot Depth** 300 feet	Home Site Area 21,500 square feet
Lot 1	8.00 acres	Approx. 301.05’	Approx. 702.85’	21,500 sf plus 15,072 sf septic area

** Lot width, by definition, is measured at the building setback line. Subdivision Ordinance Section 4.03 Lot Requirements states that “Each lot shall front upon a public street for the minimum lot width required, except as otherwise provided in this Ordinance.”*

*** Lot depth, by definition, is the average distance measured from the front lot line to the rear lot line. Subdivision Ordinance Section 4.03 Lot Requirements states that “the depth of a lot shall not be greater than five times the width.”*

REVIEW PROCESS

The Technical Review Committee met on August 9, 2023 and no concerns were identified. The soils report and wetland delineation have been reviewed by the County and both were found to be accurate.

The Sunrise Town Board reviewed the proposed Preliminary Plat at its August 17, 2023 meeting and recommended approval with no conditions.

Preliminary Plats, per the Chisago County Subdivision Ordinance, are subject to a 120-day review period rather than the more typical 60-day review period applied to land use requests. The 120-day review period for this application expires on December 2, 2023.

WRITTEN TESTIMONY

No written testimony was submitted to the County as of the completion of this report.

STAFF RECOMMENDATION

Staff believes that the proposed Preliminary Plat complies with and is consistent with the intent of the County's Zoning and Subdivision Ordinances. Barring any new or unknown evidence of compliance discovered after the completion of this report or during the course of the public hearing, **staff recommends approval** of the Preliminary Plat of Hokanson View with conditions (see below) and has prepared a resolution for the Commission's consideration.

Recommended Condition(s):

1. The Preliminary Plat of Hokanson View is approved per plat drawing dated signed July 31, 2023 and amended on August 3, 2023. Any significant deviation from the approved plat drawing, except as noted herein and as determined by the Department of Environmental Services, shall require further review by the Planning Commission and approval by the County Board.
2. The applicant shall obtain all necessary and applicable permits from Federal, State, and County jurisdictions for any wetland impacts prior to commencement of development.
3. The applicant shall submit request for Final Plat within one year following approval of the Preliminary Plat unless an extension of time is requested by the applicant and granted by the County Board upon recommendation of the Planning Commission.

OPTIONS

1. Recommend that the County Board **approve** the Preliminary Plat of Hokanson View with conditions presented or amended.
2. Should the Planning Commission determine that the proposed Preliminary Plat does not comply with and/or is not consistent with the intent of County's Zoning and Subdivision Ordinances upon completion of the public hearing and/or upon discovery of any new or unknown evidence, recommend that the County Board **deny** the Preliminary Plat of Hokanson View based on factors deemed appropriate. *(Note: The Commission will need to include specific factor(s) for denial in its motion.)*
3. **Table** the request to allow for submission of additional supporting documentation and/or further review and consideration. The 120-day review period expires on December 2, 2023.

ACTION REQUESTED

Motion to adopt Resolution No. PC2023-0903, a resolution recommending approval of the Preliminary Plat of Hokanson View, with conditions as presented or amended.

ATTACHMENTS

1. Application materials
 - a. Application
 - b. Preliminary Plat drawing dated signed July 31, 2023 and amended on August 3, 2023
2. Aerial location map (1) – subject site
3. Aerial location map (2) – vicinity map
4. Draft Resolution No. PC2023-0903

CC: Kelly Hokanson, property owner
County file



Chisago County Department of Environmental Services
Planning & Zoning Application

Permit # 23-1331

Township Sunnyside S/T/R 12-36-21 PID# 09.00523.10

Project Address Vacant Land

Property Owner(s) Kelly P Hokanson

Mailing Address (If Different from Project Address) 9380 460th Street , Harris, MN 55032

Phone# [REDACTED] Email [REDACTED]

Applicant(s) Kelly P. Hokanson

Mailing Address (If Different from Project Address) 9380 460th ST. Harris MN 55032

Phone# Email

Type of Request (Check All That Apply)

Board of Adjustment & Appeals

- ☐ Variance
☐ Administrative Appeal

Planning Commission

- ☐ Conditional Use Permit (CUP)
☐ Interim Use Permit (IUP)
☐ Amendment to CUP or IUP

☒ Preliminary Plat

☐ Rezoning

☐ Ordinance Amendment

Description of Request (Attach Separate Sheet if Necessary) Request for approval of a one lot subdivision consisting of 8 acres.

Required Attachments (Additional Attachments May Be Required Based On The Specific Request)

- ☐ Full Legal Description ☐ Detailed Site Plan ☐ Detailed Written Narrative ☒ Plat Drawings

Kelly P. Hokanson
Applicant Signature

7-28-23
Date of Application

I hereby certify that the above information is true and correct to the best of my knowledge, and that any knowingly false representations may invalidate any approvals. With my signature, I also grant permission to Chisago County Officials to enter upon the subject property for the purpose of such inspections as may be necessary.

	\$500.00 - Base	1-3 lots
	\$150.00 - NO Road	
	46.00	Recording
TOTAL FEE	\$	696.00

+ 200.00 wetland delineation Review

896.00



Chisago County Department of Environmental Services
Planning & Zoning Application

Township Presentation Form

Township Sunrise S/T/R 12-36-21 PID# 09.00523.10

Project Address Vacant Land

Property Owner(s) Kelly P Hokanson

Mailing Address (If Different from Project Address) 9380 460th Street, Harris, MN 55032

Phone# [REDACTED] Email [REDACTED]

Applicant(s) Kelly P. Hokanson

Mailing Address (If Different from Project Address) _____

Phone# _____ Email _____

Type of Request (Check All That Apply)

Board of Adjustment & Appeals

☐ Variance

☐ Administrative Appeal

Planning Commission

☐ Conditional Use Permit (CUP)

☐ Interim Use Permit (IUP)

☐ Amendment to CUP or IUP

☒ Preliminary Plat

☐ Rezoning

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Date of Application

I hereby certify that the above information is true and correct to the best of my knowledge, and that any knowingly false representations may invalidate any approvals. With my signature, I also grant permission to Chisago County Officials to enter upon the subject property for the purpose of such inspections as may be necessary.

Date of County Public Hearing _____

Date of Township Presentation _____

Township Action Taken (Township Use Only)

☒ Recommendation of Approval

☐ Recommendation of Denial

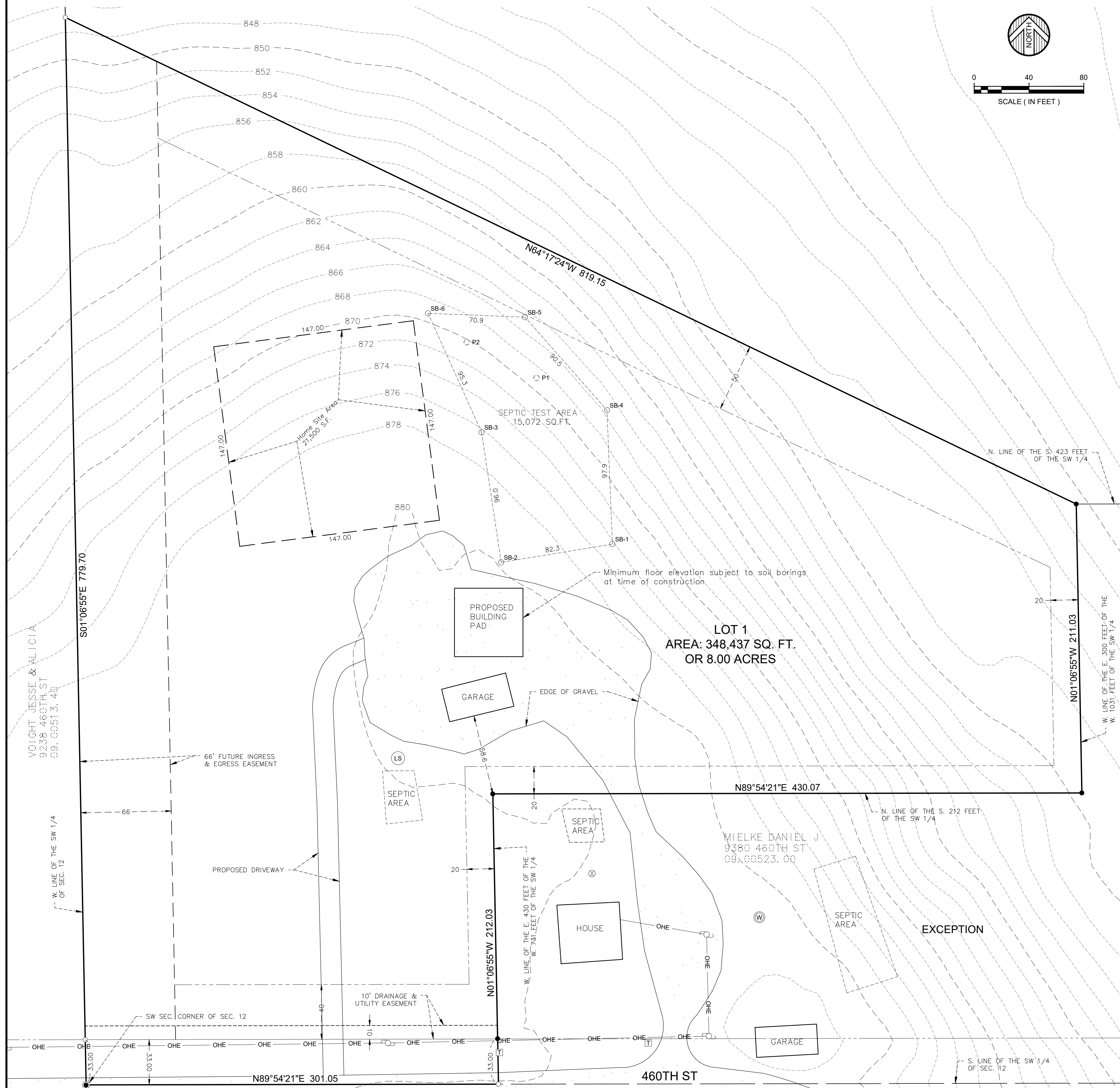
Recommended Conditions of Approval OR Legal Findings for Recommendation of Denial

NO CONDITIONS

Signatures of Township Officials or Authorized Personnel

[Signatures]

PRELIMINARY PLAT of HOKANSON VIEW

**PROPERTY DESCRIPTION:**

All that part of the Northwest Quarter of Southeast Quarter of Section 12, Township 36, Range 21, Chicago County, Minnesota described as follows: Beginning at a point on the South line of said Northwest Quarter of Southeast Quarter, 617 feet East of the southwest corner thereof; thence North 31 degrees 23 minutes East, 718 feet; thence North 45 degrees 58 minutes East, 450 feet to a point on the East line of said Northwest Quarter of the Southeast Quarter, 389 feet South of the northeast corner thereof; thence North along the East line of said Northwest Quarter of the Southeast Quarter to the northeast corner of thereof; thence West along the North line of said Northwest Quarter of the Southeast Quarter to the northwest corner thereof; thence South along the West line of said Northwest Quarter of the Southeast Quarter to the southwest corner thereof; thence East along the South line of said Northwest Quarter of the Southeast Quarter to the place of beginning, containing 31.30 acres, more or less.

And

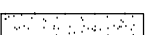
All that part of the Southwest Quarter of the Southeast Quarter of said Section12 described as follows: Beginning at a point on the south line of said Southwest Quarter of the Southeast Quarter, 237 feet East of the southwest corner thereof; thence North 14 degrees 40 minutes East, 481 feet; thence North 6 degrees 47 minutes West, 270 feet; thence North 20 degrees 14 minutes East, 603 feet, to a point on the North line of said Southwest Quarter of the Southeast Quarter 540 feet East of the northwest corner thereof; thence West along the North line of said Southwest Quarter of the Southeast Quarter to the northwest corner thereof, thence South along the West line of said Southwest Quarter of the Southeast Quarter to the southwest corner thereof; thence East along the South line of said Southwest Quarter of the Southeast Quarter, to the point of beginning, containing 10.95 acres, more or less.

And

The Southwest Quarter of said Section 12, EXCEPTING THEREFROM the East 430.00 feet of the West 731.00 feet of the South 212.00 feet and the East 300.00 feet of the West 1031.00 feet of the South 423.00 feet of said Southwest Quarter.

ALL OF THE ABOVE IS SUBJECT TO, AND TOGETHER WITH a certain oil and gas easement to Benchmark Resources Corporation, said oil and gas easement dated July 10, 1984, and recorded in the Office of the County Recorder in and for Chisago County, Minnesota, on September 18, 1984 as Microfilm Number 186516, said oil and gas easement assigned April 1, 1985 to H & H Star Energy Inc., with said assignment noted as Microfilm Number 189661 in the office of the County Recorder in and for Chisago County, Minnesota.

LEGEND

- | | | | |
|-----------------|---|---|-------------------|
| ● | DENOTES FOUND 1/2" IRON PIPE
MONUMENT CAPPED 42648 | _____ OHE _____ | OVERHEAD ELECTRIC |
| ○ | DENOTES SET 1/2" IRON PIPE
MONUMENT CAPPED 42648 | _____ - - - - - _____ | RIGHT-OF-WAY LINE |
| ⤿ | ELEC POLE |  | GRAVEL SURFACE |
| ⌈ | TELE PEDESTAL | | |
| LS | LIFT STATION | | |
| ⊗ | SANITARY CLEANOUT | | |
| W | WATER WELL | | |
| ○ _{SB} | SOIL BORING | | |

WETLANDS

WIDSETH
Ella Kohls
5368 266th St
Wyoming, MN 55092
PHONE (651)358-2351
Ella.Kohls@widseth.com

OWNER & DEVELOPER

Kelly P. Hokanson
9380 460th St
Harris, MN 55032
kellyhokanson64@gmail.com

SOIL BORINGS

John Gorman
48397 River Road
Rush City, MN 55069
PHONE (320)358-0261
Test Date: 07-31-2023

LAND SURVEYOR

WIDSETH
Kelly Jordan
5368 266th St
Wyoming, MN 55092
PHONE (651)464-3130

SURVEY NOTES:

1. Orientation of this bearing system is based on the Chicago County Coordinate System NAD 83 (1996 adj.)
 2. The address of the property is un-assigned, the PID No. is 09.00523.10
 3. Total Area of Property 8,653,494 Sq. Ft. or 198.7 Acres.
 4. Bench Mark: MnDOT BM "AZ MK" Elev: 921.087
 5. Contours shown are LiDAR contours from MN DNR on NAVD88 datum.
 6. The subject property is zoned A (Agricultural) per Sunrise Township zoning map. Building setbacks are:

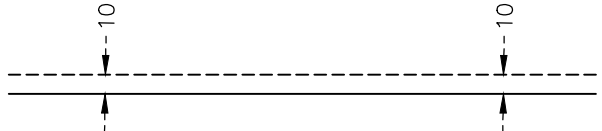
Front yard(From R/W)	: 40 feet
Rear yard	: 50 feet
Side yard	: 20 feet
Minimum Buildable Area	: 21,500 Sq. Ft.

10,000 Sq. Ft. principle pad that:

 - Minimum 2 feet above the nearest 100 year flood Elev.
 - Minimum 2 feet above the highest anticipated water level

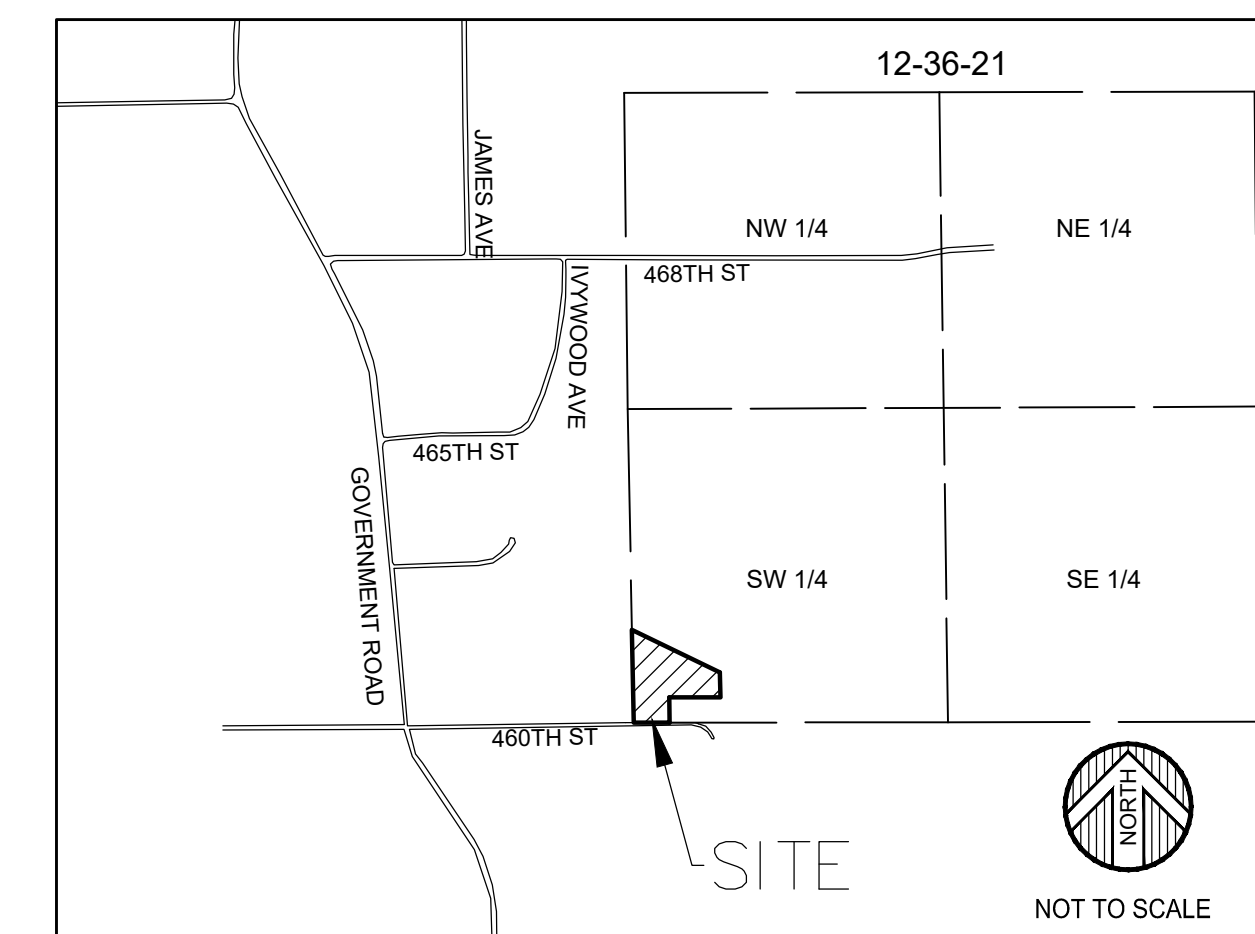
11,500 Sq. Ft. yard site:

 - Above the nearest or any relevant 100-year flood contour
- DRAINAGE AND UTILITY EASEMENTS
ARE SHOWN THUS:

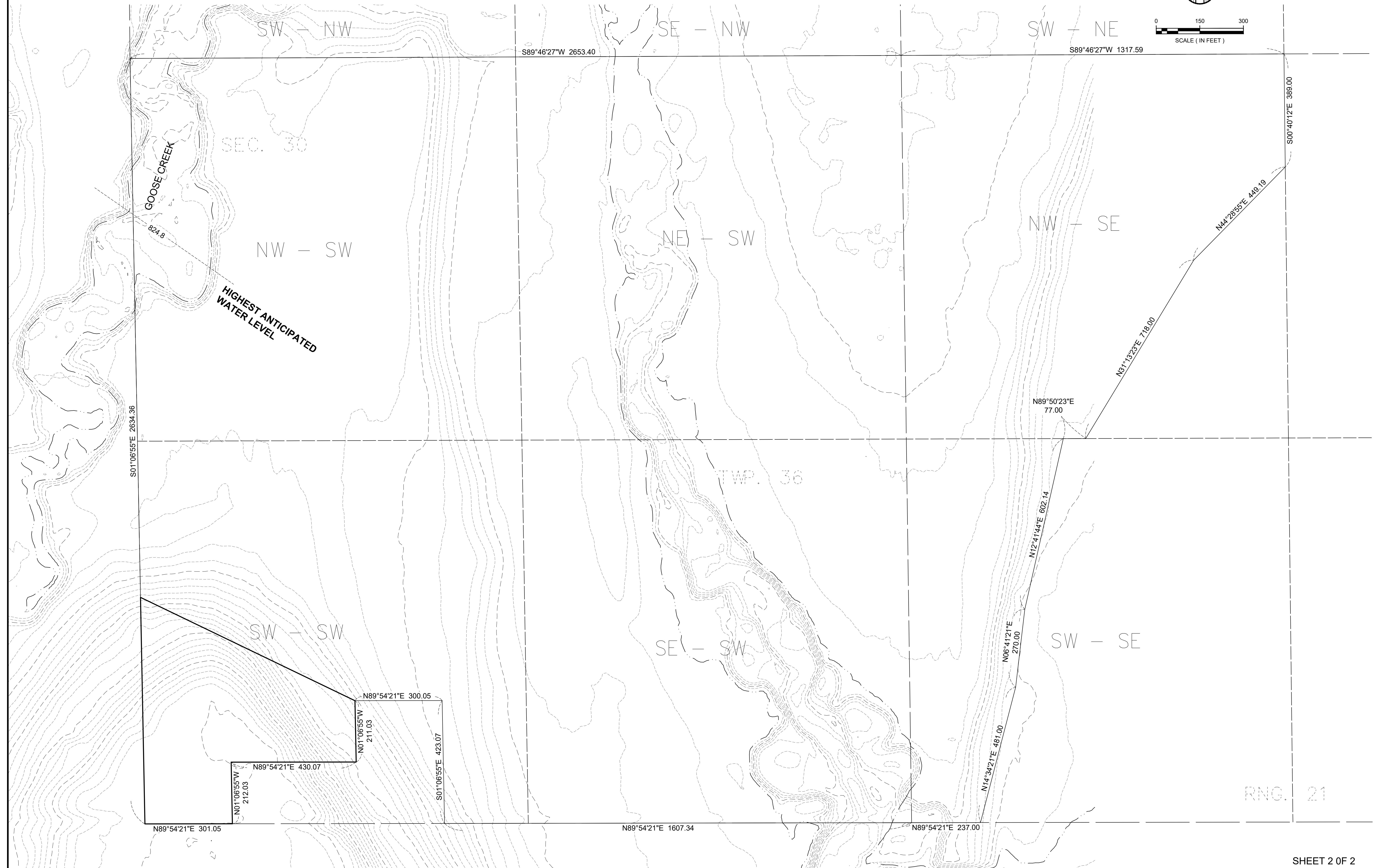
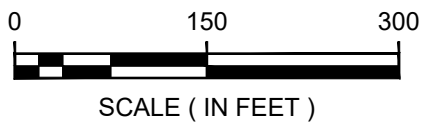


BEING 10 FEET IN WIDTH ADJOINING
STREET LINES, UNLESS OTHERWISE SHOWN
ON THIS PLAT.
- Highest Anticipated Water Elevation & 100-year flood contour** is determined to be at Elev. = 824.8 based on the cross section elevation where Goose Creek intersects with the Westerly property line of the subject property per Mn DNR Lake and Flood Elevations Online
7. The plateted property lies within Zone X, areas determined to be outside the 0.2% annual chance flood plain per FEMA Flood Insurance Rate Map No. 27025C0150D, effective April 17, 2012.

VICINITY MAP



SEC.12, T36, R21
SUNRISE TOWNSHIP
CHISAGO COUNTY, MINNESOTA



SHEET 2 OF 2

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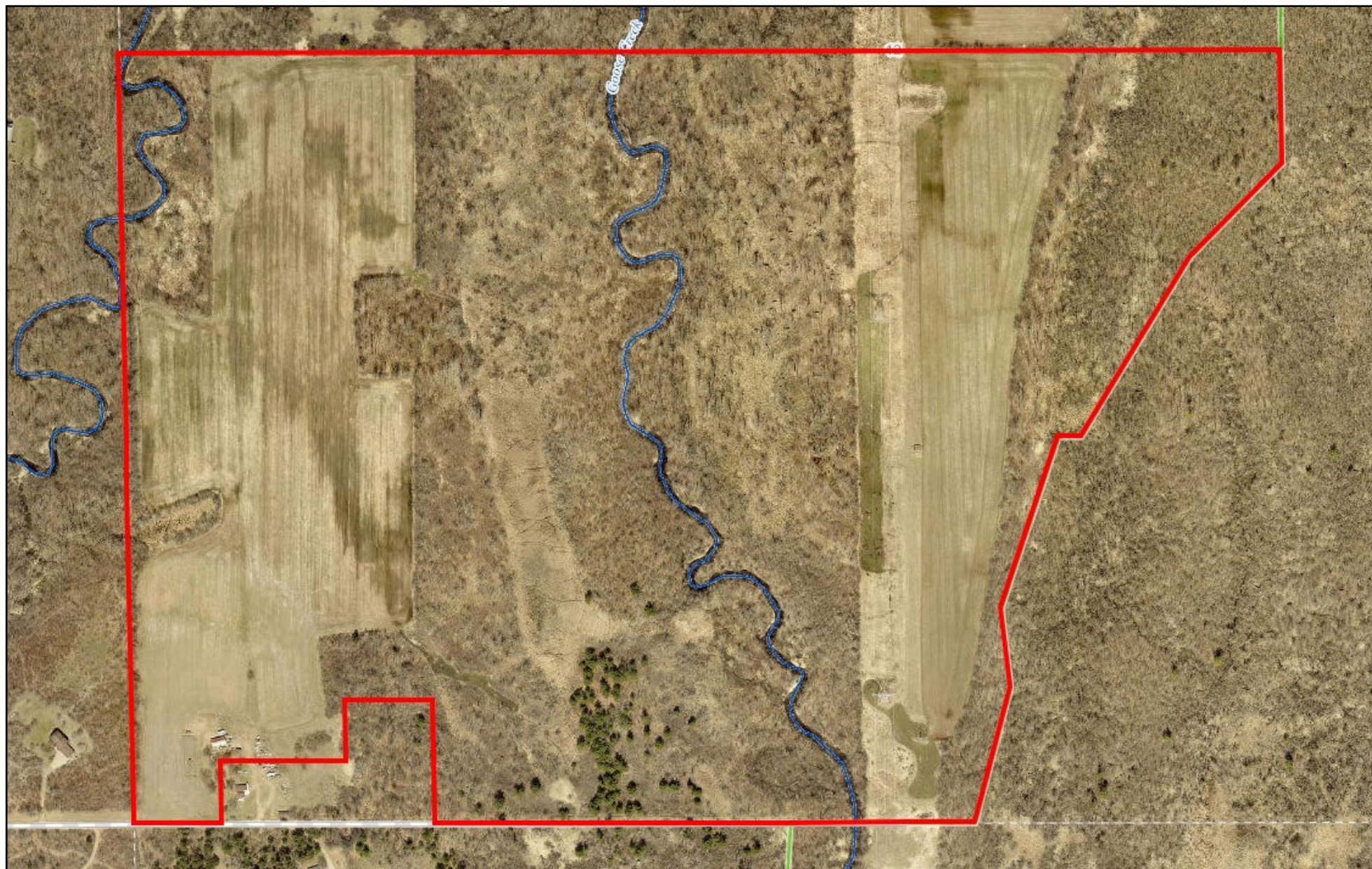
July 2023	DATE:				PREPARED FOR: KELLY P. HOKANSON I HEREBY CERTIFY THAT THIS SURVEY, PLAN, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.
AS SHOWN	08-03-2023	SOIL BORINGS SHOWN ON LOT 1		BY:	
DRAWN BY:	JAS				
CHECKED BY:	KLJ				
FILE NUMBER:	2023-1110			Kely L. Jordan DATE: 07/31/2023 LIC. NO. 42848	

DATE: 07/31/2023 LIC. NO. 42648

WIDSETH
ARCHITECTS ■ ENGINEERS ■ SCIENTISTS ■ SURVEYORS

Kelly Hokanson – Property owner Kelly Hokanson is requesting approval of the Preliminary Plat of Hokanson View involving the creation of one 8-acre lot from a 198.03± acre tract of land. The subject site is zoned Agricultural (AG) District and generally located approximately one-third of a mile east of Government Road / CR 57 on the north side of 460th Street in Sunrise Township, S12, T36, R21 (PID 09.00523.10).

Hokanson Property -



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Hokanson Property - 



RESOLUTION NO. PC2023-0903

**A RESOLUTION OF THE PLANNING COMMISSION OF CHISAGO COUNTY, MINNESOTA,
RECOMMENDING APPROVAL OF THE PRELIMINARY PLAT OF HOKANSON VIEW**

WHEREAS, property owner Kelly Hokanson submitted an application dated received August 1, 2023 and considered complete on August 4, 2023 for the Preliminary Plat of Hokanson View; and

WHEREAS, the property owner desires to create one buildable parcel from the 198.03± acre subject site; and

WHEREAS, the subject site is generally located approximately one-third of a mile east of Government Road / CR 57, approximately 1.1 miles west of the St. Croix River, on the north side of 460th Street in Sunrise Township and is zoned Agricultural (AG) District; and

WHEREAS, the subject site is legally described as:

PID 09.00523.10

All that part of the Northwest Quarter of Southeast Quarter of Section 12, Township 36, Range 21, Chisago County, Minnesota described as follows: Beginning at a point on the South line of said Northwest Quarter of Southeast Quarter, 617 feet East of the southwest corner thereof; thence North 31 degrees 23 minutes East, 718 feet; thence North 45 degrees 58 minutes East, 450 feet to a point on the East line of said Northwest Quarter of the Southeast Quarter, 389 feet South of the northeast corner thereof; thence North along the East line of said Northwest Quarter of the Southeast Quarter to the northeast corner of thereof; thence West along the North line of said Northwest Quarter of the Southeast Quarter to the northwest corner thereof; thence South along the West line of said Northwest Quarter of the Southeast Quarter to the southwest corner thereof; thence East along the South line of said Northwest Quarter of the Southeast Quarter to the place of beginning, containing 31.30 acres, more or less.

And

All that part of the Southwest Quarter of the Southeast Quarter of said Section 12 described as follows: Beginning at a point on the south line of said Southwest Quarter of the Southeast Quarter, 237 feet East of the southwest corner thereof; thence North 14 degrees 40 minutes East, 481 feet; thence North 6 degrees 47 minutes West, 270 feet; thence North 20 degrees 14 minutes East, 603 feet, to a point on the North line of said Southwest Quarter of the Southeast Quarter 540 feet East of the northwest corner thereof; thence West along the North line of said Southwest Quarter of the Southeast Quarter to the northwest corner thereof, thence South along the West line of said Southwest Quarter of the Southeast Quarter to the southwest corner thereof; thence East along the South line of said Southwest Quarter of the Southeast Quarter, to the point of beginning, containing 10.95 acres, more or less.

And

The Southwest Quarter of said Section 12, EXCEPTING THEREFROM the East 430.00 feet of the West 731.00 feet of the South 212.00 feet and the East 300.00 feet of the West 1031.00 feet of the South 423.00 feet of said Southwest Quarter.

ALL OF THE ABOVE IS SUBJECT TO, AND TOGETHER WITH a certain oil and gas easement to Benchmark Resources Corporation, said oil and gas easement dated July 10, 1984, and recorded in the Office of the County Recorder in and for Chisago County, Minnesota on September 18, 1984 as Microfilm Number 186516, said oil and gas easement assigned April 1, 1985 to H & H Star Energy Inc., with said assignment noted as Microfilm Number 189661 in the office of the County Recorder in and for Chisago County, Minnesota.

WHEREAS, notice was provided and on September 7, 2023 the Planning Commission conducted a public hearing regarding this application, at which it heard from the Land Services Coordinator, the applicant and/or property owner, and invited members of the public to comment; and

WHEREAS, the Planning Commission finds that the Preliminary Plat of Hokanson View is consistent with the intent of the County's Zoning and Subdivision Ordinances.

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF CHISAGO COUNTY, MINNESOTA, that the request for Preliminary Plat is hereby recommended for approval, subject to the following conditions:

1. The Preliminary Plat of Hokanson View is approved per plat drawing dated signed July 31, 2023 and amended on August 3, 2023. Any significant deviation from the approved plat drawing, except as noted herein and as determined by the Department of Environmental Services, shall require further review by the Planning Commission and approval by the County Board.
2. The applicant shall obtain all necessary and applicable permits from Federal, State, and County jurisdictions for any wetland impacts prior to commencement of development.
3. The applicant shall submit request for Final Plat within one year following approval of the Preliminary Plat unless an extension of time is requested by the applicant and granted by the County Board upon recommendation of the Planning Commission.

Adopted by the Planning Commission of Chisago County, Minnesota,
this 7th day of September, 2023.

Chris DuBose
Eric Leivian
Jim McCarthy
John Sutcliffe

Dave Whitney
Jolene Wille
Chip Yeager

Chip Yeager
Chair

ATTEST:

Beth Gervais
Land Services Coordinator